

0768

**BOX:**

534

**FOLDER:**

4866

**DESCRIPTION:**

Sampson, Samuel

**DATE:**

09/27/93



4866

0769

**BOX:**

**534**

**FOLDER:**

**4866**

**DESCRIPTION:**

**O'Connell, Daniel J**

**DATE:**

**09/27/93**



4866



0770

**BOX:**

**534**

**FOLDER:**

**4866**

**DESCRIPTION:**

**Schweizer, Theodore**

**DATE:**

**09/27/93**



4866

0771

Witnesses:

Louis Guen

Counsel,

Filed

day of

1893

Pleads

THE PEOPLE

vs.

Samuel Sampson,  
Daniel J. O'Connell,  
Theodore Schweizer

Grand Larceny, second Degree,  
(From the Person.)  
[Sections 638, 639,  
Penal Code.]

DE LANCEY NICOLI,

District Attorney.

A TRUE BILL.

Sept 29/93  
E. C. Bloomington

Sept 20/93 Foreman.

Wm. H. 727  
H. C. 727  
H. C. 727

Ind for R. C. P. 10  
P. 10

0772

Sec. 198-200.

CITY AND COUNTY }  
OF NEW YORK, } ss.

S District Police Court.

Theodore Schweizer being duly examined before the undersigned according to law, on the annexed charge; and being informed that it is his right to make a statement in relation to the charge against him; that the statement is designed to enable him if he see fit to answer the charge and explain the facts alleged against him; that he is at liberty to waive making a statement, and that his waiver cannot be used against him on the trial.

Question. What is your name?

Answer. Theodore Schweizer

Question. How old are you?

Answer. 13 yrs

Question. Where were you born?

Answer. Germany

Question. Where do you live, and how long have you resided there?

Answer. 426 West 36 Street. 1 month

Question. What is your business or profession?

Answer. —

Question. Give any explanation you may think proper of the circumstances appearing in the testimony against you, and state any facts which you think will tend to your exculpation?

Answer. I am not guilty  
Theodore Schweizer

Taken before me this

day of

189

Police Justice

0773

Sec. 193—200.

District Police Court.

CITY AND COUNTY } ss.  
OF NEW YORK,

*Daniel J. O'Connell* being duly examined before the undersigned according to law, on the annexed charge; and being informed that it is his right to make a statement in relation to the charge against him; that the statement is designed to enable him if he see fit to answer the charge and explain the facts alleged against him that he is at liberty to waive making a statement, and that his waiver cannot be used against him on the trial.

Question. What is your name?

Answer. *Daniel J. O'Connell*

Question. How old are you?

Answer. *44 yrs*

Question. Where were you born?

Answer. *New York*

Question. Where do you live, and how long have you resided there?

Answer. *252 West 36 Street 2 weeks*

Question. What is your business or profession?

Answer. *Sell Paper*

Question. Give any explanation you may think proper of the circumstances appearing in the testimony against you, and state any facts which you think will tend to your exculpation?

Answer. *I am not guilty*  
*Daniel J. O'Connell*

Taken before me this  
day of *July* 190*7*  
*John J. O'Connell*  
Police Justice.

0774

1912

Police Court—1 District.

Affidavit—Larceny.

City and County { ss.  
of New York, }of No. 56 Norfolk Street, aged 16 years,occupation Sell Newspapers &c being duly sworn,deposes and says, that on the 18 day of April 1893 at the City of NewYork, in the County of New York, was feloniously taken, stolen and carried away from the possession  
and person of deponent, in the day time, the following property, viz:A number of Elevated Railroad tickets  
of the value of Seven<sup>50</sup>/<sub>100</sub> dollars\$ 7<sup>50</sup>/<sub>100</sub>the property of Samuel Minkus 646 6<sup>th</sup> Avenue and  
in the care and custody of deponentand that this deponent  
has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen  
and carried away by Samuel Sampson (number) and  
two other not arrested and acting in concert)  
from the fact deponent was standing  
at the corner of 42<sup>nd</sup> Street and 6<sup>th</sup> Avenue  
at about the hour of 7<sup>30</sup> when the  
said two unknown person not arrested  
caught hold of deponent and the said  
Samuel Sampson did take coat and  
carry away said property from the outside  
pocket of the coat worn on the person of  
deponentLouis Green  
MakeSworn to before me this  
1893 dayJames A. Smith  
Police Justice.

0775

Sec. 198—200.

District Police Court.

CITY AND COUNTY } ss.  
OF NEW YORK, }

Samuel Sampson being duly examined before the under-  
signed according to law, on the annexed charge; and being informed that it is h right to  
make a statement in relation to the charge against h; that the statement is designed to  
enable h if he see fit to answer the charge and explain the facts alleged against h  
that he is at liberty to waive making a statement, and that h waiver cannot be used  
against h on the trial.

Question. What is your name?

Answer. Samuel Sampson

Question. How old are you?

Answer. 15 Yrs

Question. Where were you born?

Answer. Ms.

Question. Where do you live, and how long have you resided there?

Answer. 357 East 37 Street 5 Months

Question. What is your business or profession?

Answer. Sell Apples

Question. Give any explanation you may think proper of the circumstances appearing in the  
testimony against you, and state any facts which you think will tend to your  
exculpation?

Answer. I am not guilty  
Samuel Sampson

Taken before me this

day of

1900

Police Justice.

0776

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named Defendant

Five ~~guilty thereof~~, I order that he be held to answer the same, and he be admitted to bail in the sum of Five Hundred Dollars. and it appearing that he is under the age of sixteen years, that he be committed to the custody of the New York Society for the Prevention of Cruelty to Children, until he give such bail.

Dated, Sept 19 28 189 8

Charles H. Burke Police Justice.

I have admitted the above-named \_\_\_\_\_  
to bail to answer by the undertaking hereto annexed.

Dated, \_\_\_\_\_ 189 8

\_\_\_\_\_  
Police Justice.

There being no sufficient cause to believe the within named \_\_\_\_\_  
\_\_\_\_\_ guilty of the offense within mentioned, I order he to be discharged.

Dated, \_\_\_\_\_ 189 \_\_\_\_\_

\_\_\_\_\_  
Police Justice.



0777

BAILED.

No. 1. by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

No. 2. by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

No. 3. by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

No. 4. by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

Police Court---

1015 District.

1015  
THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Orin Green*  
*56 Norfolk*  
*Samuel Sampson*  
*Walter Osgood*  
*Merodon Samir*  
Offense *murder*  
*murder*

Date, *Sept 21* 189 *3*

*Bunker* Magistrate.  
*Beards* Officer.

*03* Precinct.

Witnesses *Henry Huber;*  
No. *2412 E. 117* Street.

*Samuel Weinberg*  
No. *646 6<sup>th</sup> Ave* Street.

*Ed. Bankley, 297 - 4<sup>th</sup> Ave.*  
No. \_\_\_\_\_ Street.

\$ *500 each* to answer *J. J.*

Com. to S. P. C. C.

*Ex Sept 20*  
*No 321*





0778

1900

CITY AND COUNTY } ss:  
OF NEW YORK,

POLICE COURT, 4 DISTRICT.

of No. 56 Brook Street, aged 16 years,  
occupation Sell Newspapers being duly sworn, deposes and says,  
that on the 18 day of September 1893  
at the City of New York, in the County of New York, David Connell

And Thomas Schreyer (both numbers)  
are the undersigned persons mentioned  
in deponent's affidavit of the 21<sup>st</sup> Sept<sup>r</sup>  
as having in concert with an Emile  
Dumpe taken stolen and carried away  
from the possession of deponent property  
of the value of over \$100 dollars.

David Connell  
Mark

Sworn to before me, this  
of 18 day of September 1893

James M. Connelley  
Police Justice.

0779

Court of General Sessions

People

agst

Samuel Sampson

REPORT OF THE NEW YORK SOCIETY FOR  
THE PREVENTION OF CRUELTY  
TO CHILDREN.No. 297 FOURTH AVENUE,  
(Corner East 23d Street.)

New York (Sept 25 1893)

CASE NO. 75,640 OFFICER Barker  
DATE OF ARREST Sept 21st  
CHARGE

Larceny from Person

AGE OF CHILD Fifteen years

RELIGION Protestant

FATHER

Samuel

MOTHER

Sarah

RESIDENCE No. 357 W. 37th Street.

AN INVESTIGATION BY THE SOCIETY SHOWS THAT on

Oct 6, 1892 - Samuel Sampson was arrested for disorderly conduct, by an off. of the 19th Prec., and was afterwards discharged in police court with a reprimand.

July 12 - 1893 - Samuel Sampson arrested for disorderly conduct by an officer of the 19th Prec., and again discharged, after one day's imprisonment.

Parents of boy are respectable, have a good home - but the boy is wild and incorrigible.

All which is respectfully submitted,

O. Hellows Secretary  
Sept

To Dist Atty

Court of  
General Sessions

People

agsh

Samuel Loufessan

James J. Brown

PENAL CODE, §

Report of the New York Society  
for the Prevention of Cruelty  
to Children.

ELBRIDGE T. GERRY,  
President, &c.,

No. 297 Fourth Avenue,  
Corner East 23d Street,

NEW YORK CITY.

0780

0781

Court of General Sessions:

People  
vs

Theodore Schnitzer

REPORT OF THE NEW YORK SOCIETY FOR  
THE PREVENTION OF CRUELTY  
TO CHILDREN.

No. 297 FOURTH AVENUE,  
(Corner East 23d Street.)

New York, Sept 25 1893

CASE NO. 75640 OFFICER Barkley  
DATE OF ARREST Sept. 21  
CHARGE Larceny from the Person.

AGE OF CHILD Thirteen years

RELIGION Protestant

FATHER Theodore

MOTHER Louisa

RESIDENCE No 426 W. 36th Street

AN INVESTIGATION BY THE SOCIETY SHOWS THAT on

Sept. 11, 1893 - Theodore Schnitzer,  
was arrested for disorderly  
conduct, but was discharged  
in police court after having been  
committed for one day, pending  
examination

Theodore Schnitzer has a good  
home and respectable parents  
but they are entirely unable to  
govern him, and he has become  
a confirmed vagrant in his  
habits. A younger brother  
is also in the New York Juvenile  
Asylum, committed for juvenile  
vagrancy.

All which is respectfully submitted,

Edw. J. Lusk  
Supt

To Dist. Atty

Court of  
General Sessions

People

agst

Theodore Schnitzler

Parent from Prison

PENAL CODE, §

Report of the New York Society  
for the Prevention of Cruelty  
to Children.

ELBRIDGE T. GERRY,

President, &c.,

No. 297 Fourth Avenue,

Corner East 23d Street,

NEW YORK CITY.

0782

0783

Court of General Sessions

REPORT OF THE NEW YORK SOCIETY FOR  
THE PREVENTION OF CRUELTY  
TO CHILDREN.No. 297 FOURTH AVENUE,  
(Corner East 28d Street.)

New York, Sept 25 1893

People  
vs  
Daniel O'Connell

CASE NO. 75-840

DATE OF ARREST

OFFICER

CHARGE

Sept. 25 Barkley  
Larceny from the Person.

AGE OF CHILD

RELIGION

FATHER

MOTHER

RESIDENCE

Fourteen years  
Catholic  
Dead  
Mary  
No. 252 W. 36th Street

AN INVESTIGATION BY THE SOCIETY SHOWS THAT ON

May 28, 1890 - Daniel O'Connell  
was arrested charged with com-  
mitting a burglary at No 157 W. 41st  
Street. convicted, June 11, 90,  
in Court of General Sessions  
and sentence suspended.

The boy, Daniel O'Connell, has  
only improper associations and  
surroundings; numerous com-  
plaints have been made against  
the mother of the boy, as to  
the treatment accorded her  
children.

All which is respectfully submitted,

Hollows Jenkins  
Rph

To Dist Atty.

Court of  
General Sessions

People

vs

Samuel A. Connell

Verdict from Jurors

PENAL CODE, §

Report of the New York Society  
for the Prevention of Cruelty  
to Children.

ELBRIDGE T. CERRY,

President, &c.,

No. 297, Fourth Avenue,

Corner East 23d Street,

NEW YORK CITY.

0784

**Court of General Sessions of the Peace**  
OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

*against*  
*Samuel Sampson*  
*Daniel O'Connell and*  
*Theodore Schweizer*

The Grand Jury of the City and County of New York, by this indictment, accuse  
*Samuel Sampson, Daniel J.*  
*O'Connell and Theodore Schweizer*  
of the CRIME OF GRAND LARCENY in the *second* degree, committed as follows:

The said *Samuel Sampson, Daniel J.*  
*O'Connell and Theodore Schweizer* all  
late of the City of New York, in the County of New York aforesaid, on the *Eighteenth*  
day of *September*, in the year of our Lord one thousand eight hundred and  
ninety-*three*, in the *day* time of the said day, at the City and County aforesaid,  
with force and arms,

*one hundred and fifty tickets*  
*each entitling the holder thereof*  
*to one passage on a railway*  
*car of the Manhattan Railway*  
*Company, of the value of five*  
*cents each*

of the goods, chattels and personal property of one *Samuel Weinberg*  
on the person of the said *one Louis Green*  
then and there being found, from the person of the said *Louis Green*  
then and there feloniously did steal, take and carry away, against the form of the statute in  
such case made and provided, and against the peace of the People of the State of New York  
and their dignity.

*He Laurey McCall*  
*District Attorney*



0786

**BOX:**

534

**FOLDER:**

4866

**DESCRIPTION:**

Savolsky, Mathias

**DATE:**

09/14/93



4866

0787

Witnesses:

Peter Libonitzky  
Isaac Libonitzky  
brother & sister

Counsel,

Filed

Pleas,

Mark J. Fox  
14<sup>th</sup> day of Sept 1893  
Guilty 15

THE PEOPLE

25 Orchard St  
182 painter

Mathias Savolaki

Part 3. Nov. 9. 1893

Tried and convicted

9. L. 2<sup>nd</sup> ed.

Degree.  
Grand Larceny, second  
[Sections 528, 531  
Penal Code.]

Complaint given to  
Sergeant Bailey

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Wm. Pen  
Nov 7/93  
J. S. Bloomington

Sept 26/93 Part 11

Ch 159

Oct 23/93 Part 11

Foreman

0788

Police Court— 3rd District.

1912  
Affidavit—Larceny.

City and County of New York, ss.

Isaac Liebowitz  
of No. 118 Division Street, aged 22 years,  
occupation Shoemaker being duly sworn,

deposes and says, that on the 26<sup>th</sup> day of August 1892 at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in the day time, the following property, viz:

One Gold watch and chain of the value of Ninety Eight & 80/100 Dollars.

Sworn to before me, this 189 day

the property of Isaac Liebowitz

and that this deponent has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen and carried away by Mathias Gurala (now here)

under the following circumstances:  
The defendant was in the habit of frequenting the deponent's place of business at No. 6 Orchard Street, New York City and one morning in July 1892 the defendant sent out deponent to bring in some soda and ~~other things~~ during deponent's absence the defendant took away a Gold watch & chain the property of the deponent - from the ~~front door~~ of deponent which hung on the wall of his store. Deponent's statements are corroborated by the ~~father and sister~~ <sup>brother</sup> of deponent, who

Police Justice.

0789

came in <sup>into the store</sup> in time to see the defendant  
drop the pants and run.

Sworn to before Daa Leland  
this 16<sup>th</sup> of August 1893.

John H. Goodrich

Police Magistrate

0790

Sec. 198-200.

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

being duly examined before the under-  
signed according to law, on the annexed charge; and being informed that it is h right to  
make a statement in relation to the charge against h ; that the statement is designed to  
enable h if he see fit to answer the charge and explain the facts alleged against h  
that he is at liberty to waive making a statement, and that h waiver cannot be used  
against h on the trial.

Question. What is your name?

Matthews Savelsky

Answer.

Question. How old are you?

Answer.

Twenty five

Question. Where were you born?

Answer.

Poland

Question. Where do you live, and how long have you resided there?

Answer.

154 Orchard - 2 mrs

Question. What is your business or profession?

Answer.

Laborer

Question. Give any explanation you may think proper of the circumstances appearing in the  
testimony against you, and state any facts which you think will tend to your  
exculpation?

Answer.

I am not guilty - & demand  
an examination  
Matthews <sup>his</sup> Savelsky  
Mark

Taken before me this

day of

July

1895

Police Justice

0791

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named

Mathias Survalsky  
guilty thereof, I order that he be held to answer the same, and he be admitted to bail in the sum of Five Hundred Dollars, and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

Dated, Aug 3 17 1893

John P. Wood Police Justice.

I have have admitted the above-named  
to bail to answer by the undertaking hereto annexed.

Dated, \_\_\_\_\_ 189

\_\_\_\_\_  
Police Justice.

There being no sufficient cause to believe the within named \_\_\_\_\_  
guilty of the offense within mentioned, I order he to be discharged.

Dated, \_\_\_\_\_ 189

\_\_\_\_\_  
Police Justice.

0792

*Remanded*  
*Aug. 17 =*

BAILED,

No. 1, by \_\_\_\_\_

Residence \_\_\_\_\_ Street \_\_\_\_\_

No. 2, by \_\_\_\_\_

Residence \_\_\_\_\_ Street \_\_\_\_\_

No. 3, by \_\_\_\_\_

Residence \_\_\_\_\_ Street \_\_\_\_\_

No. 4, by \_\_\_\_\_

Residence \_\_\_\_\_ Street \_\_\_\_\_

278  
Police Court, *Gr*

880 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Isaac Liebowitz*  
*118 Division*

1 *Mathias*

2 *Saboulsky*

3 \_\_\_\_\_

4 \_\_\_\_\_

*Graded*  
*Larceny*  
Offense

Dated *August 16* 189*3*

*Doorkies* Magistrate.

Officer.

Precinct.

Witnesses *Isaac Liebowitz*

No. *21* Street.

*Mr. K...*

No. *7* Street.

*7* Street.

No. \_\_\_\_\_ Street.

No. \_\_\_\_\_ Street.

No. \_\_\_\_\_ Street.

No. \_\_\_\_\_ Street.

\$ *1000* to answer *G.S.*

*Com*

*Ar 159*



COURT OF GENERAL SESSIONS---PART THREE.

The People of the State of New York:  
against  
Matthias Savolsky;  
indictment filed, September 14th,  
1893; indicted for grand larceny  
in the second degree.

New York, November 8th, 1893.

A P P E A R A N C E S:

For the People, Assistant District Attorney  
Stephen J. O'Hare;

For the Defendant, Mr. Jacob Berlinger.

ISRAEL LEVOWITZ, a witness for the People, sworn,  
testified:

I live at No. 118 Division Street at present. Before that I lived in No. 5 Orchard Street. On the 26th of August 1892 I lived at No. 5 Orchard Street. I carried on the business of a shoe maker there. I slept in the store. I had a sister who lived with my father at No. 21 Eldridge Street. I was at my store on the 26th of August last. I had a gold watch and a gold chain, for which I paid ninety-eight dollars and eighty cents in my pants pocket. I left the pants hanging on the wall next to the bed in the rear of the store. The watch and chain were in the fob pocket. On the same



day that I saw the watch and chain I saw this defendant. I have known him for two years. He had no business in my place of business on that day, but he came there at half past eight o'clock and said he was sick. He asked me to lie on the bed for a little while, and I told him he might do so. He gave me five cents to bring him a glass of soda water. I got him a glass of soda water and when I came back with the glass of soda water he wasn't there any more. I was only gone about ten minutes. I found my trousers lying on the bed. I examined the trousers pocket and the watch and chain were missing. I have never seen them since. I did not see the defendant for quite some time after that. I saw him one day going into a restaurant. I went in there after him and had him arrested.. At the station house I charged him with stealing my watch and he did not utter a word. I have never heard him yet deny the charge of taking my watch and chain.

C R O S S   E X A M I N A T I O N .

There were two windows to the room in which the defendant laid down on the bed. On the day of his arrest I followed him into a restaurant, and while he was eating his dinner I had him arrested. I had never seen him from the morning I missed my watch until the day of his arrest. I never heard the defendant admit that he had taken my watch and chain.

BETSY LEVOWITZ, a witness for the People, sworn,

testified:

I am a sister of the last witness. I remember the time when my brother lived at No. 5 Orchard Street and kept a shoe maker shop there. At that time I lived at 21 Eldridge Street with my father. I remember going to see my brother and bringing him his breakfast at half past eight on that morning in August. When I went in the defendant was in my brother's room holding my brother's pants in his hand. I saw him put his hand into his own pocket and put something into it. Then I saw him walk quickly upstairs. He threw the pants on the bed before he walked upstairs. I lost sight of the defendant after that, and told my brother of what occurred when he came back.

C R O S S E X A M I N A T I O N .

This occurred in August, 1892. I could not be mistaken about the date or about the occurrence. I remember them distinctly. I know it was half past eight because that was the time I usually brought my brother his breakfast. I go to school at the public school and know it is wrong to tell a lie. My brother was not in his store at the time I saw the defendant holding his pants in his hand.

D E F E N S E .

MATTHIAS SAVOLSKY, the Defendant, being sworn, testified:

I am twenty-five years of age and come from Russian

Poland. I have been in this country about fourteen months. I know the complainant and have visited at his house. It is not true that I stole his watch and chain in August, 1892, or at any other time. The evidence of his sister, who says she saw me holding her brother's pants in my hand and taking something out of the pocket of them is not true. The defendant had me arrested in a restaurant where I was in the habit of eating my meals. I did not leave the city of New York from the date of this alleged larceny until the date of my arrest. I was working at several places in this city during all that time. I had frequently taken my meals in the restaurant where I was arrested. I was acquainted with a girl there who was employed as a cook.

C R O S S   E X A M I N A T I O N .

I went to Brazil in 1891 and spent six or seven months there. I was in this city in August, 1892, but I did not commit this larceny. I have been employed in this city during the time I have lived here. I do not know any saloons in Orchard Street and have never visited any there.

LADISLAUF SAMOLZKY, a witness for the defendant, sworn, testified:

I live at 59 First Street, Brooklyn. I have known this defendant eight years. I knew him from Poland. I have seen him last July and in the beginning

of August. When he came to this country he came to me and requested that I should get him work. His character for honesty is good. I have never seen a gold watch and chain on him during all the time I have known him. He is a hard-working man.

JACOB LANDON, a witness for the Defendant, sworn testified:

I keep a restaurant at 184 Essex Street. The defendant was in my place on the day of his arrest. He was acquainted with a young woman who was employed as cook there. During the past year I have frequently seen the defendant taking his meals in my restaurant.

JOHN FOLEY, a witness for the Defendant, sworn, testified:

I am a police officer attached to the Eleventh Precinct. I produce here the blotter of August, 1892. There is an entry in it of a complaint made by the complainant in this case of the loss of his watch.

AMELIA CUMBEL, a witness for the Defendant, sworn, testified:

I live at No. 128 $\frac{1}{2}$  Monroe Street. I am acquainted with the defendant. I know the house where the complainant kept his shoemaker shop. His store is in the basement.

MARY CAIMTEC, a witness for the defendant, sworn, testified:

I am employed in the restaurant where the defendant was arrested. I have been working there for fifteen months. I have known the defendant for ten months. The defendant had frequently taken his meals in that restaurant during the year preceding his arrest.

LENA ROSENTHAL, a witness for the People, sworn, testified:

I am a married lady, living at 48 Canal Street. On the 26th of August, 1892, I lived at No. 4 Orchard Street in this City. I had a saloon business there. I heard of the loss of the complainant's property. I never saw this defendant in my saloon at any time. I do not know him.

The Jury returned a verdict convicting the defendant of grand larceny in the second degree.

0799

Court of General Sessions of the Peace  
OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Mathias Savolsky*

The Grand Jury of the City and County of New York, by this indictment, accuse

*Mathias Savolsky*  
of the CRIME OF GRAND LARCENY IN THE *second* DEGREE, committed  
as follows:

The said

*Mathias Savolsky*

*Answered by order of the Court*  
State of the City of New York, in the County of New York aforesaid, on the *26th*  
day of *August*, in the year of our Lord, one thousand eight hundred and  
ninety ~~two~~ *two* at the City and County aforesaid, with force and arms,

*one watch of the value of  
seventy dollars and one chain  
of the value of thirty dollars*

of the goods, chattels and personal property of one

*Isaac Liebowitz*

then and there being found, then and there feloniously did steal, take and carry away, against  
the form of the statute in such case made and provided, and against the peace of the People  
of the State of New York and their dignity.

*He Lacey Nicoll*  
*District Attorney*

0800

**BOX:**

**534**

**FOLDER:**

**4866**

**DESCRIPTION:**

**Scanlon, James**

**DATE:**

**09/07/93**



4866



0801

POOR QUALITY  
ORIGINAL

Witnesses:

Left tried & acquitted  
of Burg in 3<sup>rd</sup> degree March  
3. 1891 - P.B.M.  
also tried & acquitted  
of P.L. - P.B.M.  
Left pardoned by Gov.  
Flower March 29. 1894 -  
March 30.  
Advised agst clemency  
P.B.M.

Counsel

Filed

day of

189

Pleas

THE PEOPLE

18

405 E 16<sup>th</sup>

vs.

Crackman

James S. Carlon

DE LANCEY NICOLL

District Attorney

October 17<sup>th</sup> 1893  
by agreement  
West 30<sup>th</sup> St.  
over 30<sup>th</sup> St.

A TRUE BILL.

Ed. R. Occurrence

Part 2 - Nov. 10<sup>th</sup> 1893

Foreman

Found and convicted of

Burglary 1<sup>st</sup> degree

S.P. 15<sup>th</sup> c/vs

Oct 19  
Subt. 4<sup>th</sup>

Secretary in the  
first degree  
Burglary, 1<sup>st</sup> degree  
S.D.C. 1893-1894



POOR QUALITY  
ORIGINAL

0802

Witnesses:

Left tried & acquitted  
of Burg in 3<sup>d</sup> degree March  
3. 1891 - R.B.M.  
also tried & acquitted  
of V.L. - R.B.M.  
Left pardoned by Gov.  
Flower March 29. 1894 -  
March 30.  
Advised agst clemency  
R.B.M.

Counsel,

Filed

day of

189

Pleas,

18

THE PEOPLE

405 E 16<sup>th</sup>  
coachman vs.

James Scanlon

Exglary in the  
3<sup>d</sup> degree  
Section 40, 506, 508, 509

DE LANCEY NICOLL,

District Attorney.

October 17<sup>th</sup> Part  
by agreement  
Oct. 11<sup>th</sup> 1893  
on 30<sup>th</sup>

A TRUE BILL.

Edw. Bloomingdale

Part 2 - Nov. 10<sup>th</sup> 1893.  
Foreman.  
Jury and Court of  
Burglary 1<sup>st</sup> degree  
S.P. 15<sup>th</sup> cps  
Oct 19

Sept 19

0803

Post Office Box, 17 Station D.

TELEPHONE CALL, 808 18TH ST.

# Prison Association of New York,

135 EAST 13th STREET.

CHARLTON T. LEWIS, *President.*  
 CORNELIUS B. GOLD, *Treasurer.*  
 EUGENE SMITH, *Secretary.*  
 WM. M. F. ROUND, *Corresponding Secretary.*  
 D. E. KIMBALL, *Clerk.*

New York, January 24, 1894.

Hon. Randolph B. Martine,  
 Judge of the Court of General Sessions of the Peace,  
 New York City.

Dear Sir:-

As requested, I append copy of letter which I have to-day received from Mr. J. B. Rathbone, acting Supt. of the State Reformatory at Elmira, N. Y.:-

"Replying to yours of the 19th relating to Scanlan; I have made presentation to the Managers, secured their requisition and the consent of the Supt. of Prisons for the transfer of Scanlan from Sing Sing. His transfer will be made during the present week. I hope this will be satisfactory to your Association, as well as to Judge Martine. We will do the best we can for Scanlan when he arrives here."

Very Truly Yours,

(Signed) James B. Rathbone,  
 Acting Gen'l Supt.

Should you desire any further information regarding his progress from time to time, kindly command me, and oblige.

Very respectfully yours,

*D. E. Kimball*

0804



*Court of General Sessions,  
Judges' Chambers,  
32 Chambers Street.*

*New York,* March 30th, /94 ~~1894~~

To the Governor of the State of New York,

I beg to acknowledge the receipt of your communication stating that an application for Executive clemency has been made on behalf of JAMES SCANLON, who was convicted on trial before me of the crime of Burglary in the first degree and sentenced to fifteen years imprisonment in the State Prison.

The District Attorney's communication to you in this case under date of March 22nd, 1894, fairly and substantially sets forth the facts.

A clear prima facie case was made out against the defendant upon the trial -- the defence was an alibi and the jury found against the alibi and convicted the defendant, and in the conclusion of the jury I fully concur. This case has frequently been brought to my attention since the trial, and I have given it much consideration.

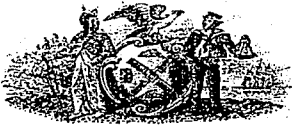
My subsequent examination of this case has thoroughly satisfied my mind that the jury upon the evidence were fully justified in the conclusion that defendant was guilty of the charge, and that the sentence under the circumstances was not severe.

A clear case of Burglary in first degree was established -- two or more persons breaking and entering an inhabited dwelling in the night time, and while therein going to the bedroom where the

occupant of the house and his wife were sleeping, and stealing from the clothing of the occupant, his locket, watch and chain. The character of the complainant, his clear and positive testimony and identification of the defendant whom he had known for twelve years, convinced the jury that defendant was one of the Burglars. While the defendant claimed that he was not guilty, and from an early hour that night until late the following morning, had been in a neighboring lodging house, and brought a witness to that effect, one of the attendants in that lodging house who gave testimony in support of that claim, and there seemed to be no question of the honesty of this latter witness, and no doubt that he fully believed that the defendant was in the lodging house all that night, still from the nature of his duties there and the fact that it was clear that the person could leave without the knowledge of the witness, and from the clear and positive testimony of the complainant, and from the defendant's answers and manner upon cross-examination, and from the fact that upon defendant's previous trial for Burglary, of which he was acquitted, his defence was an alibi proven by his aunt, Mrs. Good -- no conscientious jury could have come to any other conclusion than that the defendant was guilty as charged.

In view of the nature and character of the crime, the Court would have been justified in imposing a sentence of twenty years' imprisonment upon the defendant. But considering the defendant's age, a deduction of five years was made from the full time, although the Court had knowledge that the defendant was an

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*Court of General Sessions,  
Judge's Chambers,  
32 Chambers Street.*

(2)

*New York,* \_\_\_\_\_ *189*

idle, shiftless fellow, who had been twice theretofore tried for crime, and once convicted of disorderly conduct.

After this defendant was sentenced by me, by reason of representations made to me by those interested in the defendant, I requested the authorities having charge of the Elmira Reformatory to inquire as to whether Scanlon would be a proper person to be transferred to their Institution, under the rules and regulations governing such cases; and if they found him to be a proper person to make requisition and cause his removal to the Reformatory, and I have received information that he by reason of my request is now in the Reformatory.

For the reasons stated I am convinced that this application should be denied. The defendant is a young man who if properly guarded now may be saved from a future criminal career. He should not be permitted to return to the associations and surroundings which he has heretofore had; the discipline of the Reformatory in my judgment will be far more beneficial to this defendant than to permit his return to his former life and bad companions which have twice heretofore brought him to the portals of prison. This application is certainly premature; if in the future his conduct in the Institution where he now is should merit clemency, it will certainly afford me pleasure to make such rec-

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ommendation in his behalf as the facts may warrant.

With great respect,

*Randolph B. Martine*



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*District Attorney's Office,  
City and County of New York Rev*

March 22<sup>nd</sup> 1894

To the Governor of the State of New York,  
Albany, N. Y.

Sir:--

I have the honor to acknowledge the receipt by my predecessor in office of a communication under date of December 28th 1893, stating that application for Executive clemency has been made on behalf of

--- JAMES SCANLON ---

who, upon his conviction of the crime of Burglary in the first degree, was sentenced by Hon. Randolph B. Martine, Judge of the Court of General Sessions of this County, to imprisonment in State Prison for the term of fifteen years.

An indictment was found against this prisoner charging him with that offence, and he was arraigned for trial thereon before Mr. Justice Martine and a jury on November 9th 1893, when the following testimony was given

JACOB LISSNER, the complainant, testified that he lived at 15 Livingston Place in this City, but did not occupy the whole house, another family living on the top floor. His family consisted of his wife and two boys. His wife and he occupied the front room on the

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second floor, and the boys slept in the rear room on the same floor. When he came <sup>home</sup> on the evening of August 19th, he closed the front door after him and retired at about twelve o'clock. At about two or half-past two in the morning he was awakened by his wife. He ran out of the room, and as he went downstairs, he saw this prisoner standing at the front door which was wide open. The prisoner ran away. There were two <sup>or more</sup> men in the house, one of them being in the hall and the other in the lower hall downstairs, and the latter was this prisoner. After the escape of the prisoner and the unknown man, the complainant missed his watch and chain and a diamond locket which he had left in his vest pocket in the room in which he was sleeping. They were worth about \$250. He had known this prisoner for twelve years from seeing him around in the neighborhood, and Mr. Lissner testified there was no possibility of his being mistaken in regard to the identity of the prisoner. On cross-examination he testified that when he left his room there were two lights, one in the hall-way leading from the vestibule, on the ground floor, and one in the hall-way of the floor on which his family slept, and when the prisoner looked up at him, he saw his face plainly. Mr. Lissner further testified that when the prisoner first saw him he was on the stairs running down.

MRS. JENNIE LISSNER, testified that she was the complainant's wife, and on the night in question was awakened by hearing somebody in the hall-way. She saw



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a man standing in her room and she screamed. The man ran out and her scream awakened her husband who ran after the man. She subsequently examined the house and found that the basement door was open, and the rear shutters of the basement were also open.

OFFICER MARTIN T. ROBINSON, testified that he was attached to the Police Central Office, and heard of the burglary at about half past six o'clock in the morning of August 20th. Later in the morning he examined the rear shutters of the complainant's house and found marks on them such as would be made by a jimmy or a chisel. The officer first saw the prisoner at about ten minutes past nine o'clock on that same morning in the custody of Officer Jennings at 1st Avenue near 18th Street. The complainant was on the other side of the street at the time, and went up to officer Robinson who asked him if the prisoner was the man he had seen in his house, and the complainant said he was. This constituted all the proofs adduced on behalf of the People; and it does not appear that officer Jennings, who arrested the prisoner, was called for the prosecution.

The prisoner took the stand in his own behalf and denied that he had participated in the burglary, and claimed that on the night in question he arrived at the Olive Tree Inn, a cheap lodging-house conducted by some church mission. He detailed some slight circumstances as to the assignment to him of a bed, and stated that some error had been made by the night clerk in giving him a key

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for one locker which belonged to another, which error was also observed by the watchman who put the key into the right locker; that the prisoner then went to bed and did not awake until half past nine on the following morning.

Upon cross-examination the prisoner claimed it was impossible for him to get out of the place without being seen by the watchman or the night-clerk. The latter had died subsequent to the prisoner's arrest and before the trial.

The prisoner did not know anybody else who slept at the lodging-house that night. He claimed that he had been working in Mamaroneck, and came to New York City a week before he was arrested. He had an aunt in the city named Mrs. Kelly, who lived at 465 East 16th Street. He stated he worked for a man named Callahan who kept a livery stable in Mamaroneck, and got a week off to come to this city because he wanted to see Mrs. Kelly and another aunt of his named Good. He did not go to his aunt to stay, assigning as a reason therefor that he did not have enough money, he only had \$7.; and during the week he was in New York, he did nothing but walk around the city and see the sights. He said he called on Mrs. Good the day he was arrested, and he had gone to Mrs. Kelly's for dinner every day. He had once been employed in the Street Cleaning Department, where he gave the name of John Adams, for the reason that the men were paid in alphabetical order, and if a man got among the A's he would be paid early. He had once been convicted of disorderly conduct for which he

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had been fined. He knew the complainant and had known him about ten or twelve years, and he did not know any reason why the complainant should feel hard towards him.

WILLIAM H. RICHARDS, testified that he was a night-watchman in the Olive Tree lodging-house in East 23rd Street where he had been employed about seven months. He remembered Saturday night, the 19th of August 1893, for the reason that on the morning following Detective Robinson called on him, and had a conversation with him. His hours of duty were from six o'clock at night until seven in the morning, and he swore that he remembered showing the prisoner to bed on that night about nine or ten o'clock; and he corroborated the prisoner in stating that he remembered he took him to the wrong locker first and had some trouble about it, and then took him to the right locker. His duties were "to take the men to their proper beds, and at twelve o'clock at night to go around and make a report of all the empty beds on the floor and report at the office, and compare his report with the registry sheet, and if it compared with the registry sheet, then it was all right." He made a report at twelve o'clock on the night in question and reported bed 157 occupied, that being the bed which this prisoner had; he went through the floor again at two o'clock, and at that time the bed in question was occupied by the prisoner. At five o'clock he made another report of empty beds, and that bed was still occupied at that time.

This witness could not remember whether the

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prisoner had been at the lodging-house on any of the preceding nights, and the way he knew about the prisoner being in the lodging-house on the night in question was, that some of the prisoner's friends went to see him and asked him what he knew about it, and as he could not place the prisoner by name he went to the tombs and there recognized him, and identified him as being the person who occupied bed 157 on the night in question. Upon cross-examination he stated he did not see the prisoner's face when he made his report at twelve o'clock. There was nothing to compel a man to stay in the house all night, he could leave when he wanted to. On re-direct examination he testified it was impossible for anyone to leave that floor without being seen by him.

Upon these proofs the jury returned a verdict of guilty.

The proofs adduced by the People against this prisoner made out a clear prima facie case of his guilt, and while the preponderance of proofs <sup>also</sup> were not great, yet the verdict of the jury was warranted by the evidence. Before passing sentence upon this prisoner, and upon inquiry as to his former character, it was made to appear to the court that the prisoner had been arrested on several occasions previously, once being charged with petit larceny, and another time with the crime of burglary in the third degree, but whereof he was acquitted.

The offence charged against this prisoner was

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a grave one, and inasmuch as the finding of the jury should be conclusive upon the facts, it was proper for the Court to impose such sentence as the serious character of the prisoner's crime warranted. I have been informed by the learned Judge, that since passing sentence, and notwithstanding the previous charges against the prisoner, several citizens have vouched for his former character, stating that he appeared to have been an industrious youth, and in view thereof the learned Judge so modified the sentence that this prisoner has been committed to the State Reformatory.

The prisoner is a person who had no home, and to all appearances, led a shiftless life; and, under normal conditions which govern the discipline and discharge of the prisoners from the State Reformatory, I am of the opinion that the best interests of justice would be subserved by his continued confinement therein. If, in course of time this prisoner shall so conduct himself in the Reformatory as to earn the approval of the Managers, and by continued good behavior demonstrate his obedience to authority and respect for the law, I am of the opinion that his case might properly become the subject of Executive consideration. But I regard the present application as premature, and therefore recommend that the same be denied.

I remain with great respect,

Your obedient servant,

*J. R. Patterson*  
District Attorney.



08 15

New York, March 30th, 1894.

To the Governor of the State of New York,

I beg to acknowledge the receipt of your communication stating that an application for Executive clemency has been made on behalf of JAMES SCANLON, who was convicted on trial before me of the crime of Burglary in the first degree and sentenced to fifteen years imprisonment in the State Prison.

The District Attorney's communication to you in this case under date of March 22nd, 1894, fairly and substantially sets forth the facts.

A clear prima facie case was made out against the defendant upon the trial-- the defence was an alibi and the jury found against the alibi and convicted the defendant, and in the conclusion of the jury I fully concur. This case has frequently been brought to my attention since the trial, and I have given it much consideration.

My subsequent examination of this case has thoroughly satisfied my mind that the jury upon the evidence were fully justified in the conclusion that the defendant was guilty of the charge, and that the sentence under the circumstances was not severe.

A clear case of Burglary in first degree was established-- two or more persons breaking and entering an inhabited dwelling in the night time, and while therein going to the bedroom where the

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occupant of the house and his wife were sleeping and stealing from the clothing of the occupant, his locket, watch and chain. The character of the complainant, his clear and positive testimony and identification of the defendant whom he had known for twelve years, convinced the jury that defendant was one of the Burglars. While the defendant claimed that he was not guilty, and from an early hour that night until late the following morning, had been in a neighboring lodging house, and brought a witness to that effect, one of the attendants in that lodging house who gave testimony in support of that claim, and there seemed to be no question of the honesty of this latter witness, and no doubt that he fully believed that the defendant was in the lodginghouse all that night, - it still from the nature of his duties there and the fact that it was clear that the person could leave without the knowledge of the witness, and from the clear and positive testimony of the complainant, and from the defendant's answers and manner upon cross-examination, and from the fact that upon defendant's previous trial for Burglary, of which he was acquitted, his defence was an alibi proven by his aunt Mrs. Good -- no conscientious jury could have come to any other conclusion than that the defendant was guilty as charged.

In view of the nature and character of the crime, the Court would have been justified in imposing a sentence of twenty years' imprisonment upon the defendant. But considering the defendant's age, a deduction of five years was made from the full time, although the Court had knowledge that the defendant was an

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idle, shiftless fellow, who had been twice theretofore tried for crime, and once convicted of disorderly conduct.

After this defendant was sentenced by me, by reason of representations made to me by those interested in the defendant, I requested the authorities having charge of the Elmira Reformatory to inquire as to whether Scanlon would be a proper person to be transferred to their Institution, under the rules and regulations governing such cases; and if they found him to be a proper person to make requisition and cause his removal to the Reformatory, and I have received information that he by reason of my request is now in the Reformatory.

For the reasons stated I am convinced that this application should be denied. The defendant is a young man who if properly guarded now may be saved from a future criminal career. He should not be permitted to return to the associations and surroundings which he has heretofore had; the discipline of the Reformatory in my judgment will be far more beneficial to this defendant than to permit his return to his former life and bad companions which have twice heretofore brought him to the portals of prison. This application is certainly premature; if in the future his conduct in the Institution where he now is should merit clemency, it will certainly afford me pleasure to make such rec-



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ommendation in his behalf as the facts may warrant.

With great respect,

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COURT OF GENERAL SESSIONS OF THE PEACE, Part II.

City and County of New York.

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T h e P e o p l e,

vs.

JAMES SCANLON.

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Before

HON. RANDOLPH B. MARTINE,

and a Jury.

Tried, NOVEMBER 9TH, 1893.

Indicted for BURGLARY, in the FIRST DEGREE.

Indictment filed SEPTEMBER 7TH, 1893.

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APPEARANCES:

ASSISTANT DISTRICT ATTORNEY BARTOW S. WEEKS,

For THE PEOPLE.

MAURICE MEYER, ESQUIRE,

For THE DEFENSE.  
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JACOB L. LISSNER, THE COMPLAINANT, being duly sworn, testified that he lived at 15 Livingston Place, in the 18th Ward of the City of New York. He did not occupy the whole house; there was another family living on the top floor. On the night of the 19th of August he retired at about 12 o'clock. His family consisted of his wife and two boys. His wife and he occupied the front room on the second floor, and the boys slept in the rear room on the same floor. When he entered the house that night, he closed the front door after him. About 2 or half-past 2 o'clock, in the morning, he was awakened by his wife. He ran out of the room and, as he ran down stairs, he saw the defendant standing at the front door. The front door was wide open. The defendant ran away. There were two other men in his house that night; one of the men was in the hall, when he first saw him; the other man was in the hall, downstairs. He only saw two men. The defendant was the man he saw in the lower hall. After the escape of the defendant and the unknown man, he, the com-

plainant, missed his watch and chain and his diamond locket, which he had left in his vest pocket, in the room in which he was sleeping. The watch, chain and locket were worth \$250.00. He had known the defendant for twelve years, in the neighborhood. There was no possibility of his being mistaken in regard to the identity of the defendant.

In cross-examination the complainant testified that the defendant looked up at him, and he saw the defendant's face plainly. There was a light in the hall at the time. There were two lights, one in the hallway leading from the vestibule on the ground floor, and one in the hallway on the floor on which he, the complainant, slept.

JENNIE LISSNER, being duly sworn, testified that she was the wife of the complainant. On the night in question, she was awakened by hearing somebody in the hall. She saw a man standing in her room, and she screamed. The man ran out of the room, and her husband jumped put of bed and ran after the man. She subsequently

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examined the house, and found that the basement door was open, and the rear shutters of the basement were also open.

THE COMPLAINANT. being recalled, testified that the defendant was on the stairs, running down, when he first saw him.

OFFICER MARTIN T. ROBINSON, being duly sworn, testified that he was an officer of the Municipal Police Department, attached to the Central Office. He first heard of the burglary in question on the morning of the 20th of August, about half-past 6. He did not go to the complainant's house until he had the defendant locked up in Police Headquarters, about half-past 10, that same morning. He examined the rear shutters of the complainant's house, and found marks on them such as would be made by a jimmy or a shisel. He found chisel marks on the kitchen doorway, also. He first saw the defendant on the morning of the 20 of August, 1893, about ten minutes past 9 o'clock,



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on First avenue, near 18th street. The defendant was with Officer Jennings at the time. At that time the complainant was on the other side of the street. The complainant went up, and he, the witness, asked the complainant if the defendant was the man whom he had seen in his house on the night in question. The complainant said, "Yes, that is the man." He then took the defendant and the complainant up to the elevated station, and he said to the defendant, "You are charged with burglary." The defendant said, "I know nothing about it." He took the defendant to police Headquarters, where a formal complaint was preferred against him by the complainant. In consequence of information which the defendant gave him, he went to the Olive Tree Lodging House. The defendant said that he had stayed at that Lodging House on the night in question. He had a conversation with a Mr. Richards at the lodging house.

In cross-examination the witness testified that when he saw the defendant first he was scouring the precinct, because several burglaries

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had been reported at the station house. Officer Jennings was in uniform when he had the defendant in his custody.

FOR THE DEFENSE, JAMES SCANLON, THE DEFENDANT, being duly sworn, testified, in his own behalf, that he was a driver. He was not in the complainant's house on the night or morning in question. He knew nothing about any burglary which had been committed in the complainant's house. He was eighteen years of age. On the night in question he arrived at the Olive Tree Lodging House about 9 o'clock in the evening. He had a bath and then he went to bed. He could not get a room that night, because they were cleaning house. He had a bed. The night clerk gave him a key for bed 157, and he stood talking to the night clerk for a few minutes. He then went to the watchman and said, "Give me 152 bed." The watchman did not look at the key, and took him to 152 locker. The key did not fit that locker, and the watchman said, "This is 157." The watchman then went over to bed

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158, making another mistake. The watchman said, "I will find it after a while," and he put the key into the right locker. He then went to bed, and did not get up until half-past 9 the following morning. He looked at the clock as he was going down stairs, and it was then half-past 9. He had known Richards, the watchman, about a week.

In cross-examination the witness testified that it was impossible to get out of that place without being seen by either the watchman or the night clerk. The night clerk's name was Nash; but he had died subsequently to the defendant's arrest. He did not know anybody else who slept in the Olive Tree Lodging House that night. The bed was not locked, but there was a locker alongside of the bed, to hang one's clothes in, which was locked. He had never had a room at that lodging house; he took beds. He had been working in Mamaroneck, and came to New York a week before he was arrested. He had an aunt in New York. Her name was Kelly. His aunt lived at 405 East 16th street. He was working in



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Mamaroneck for a man named Callahan, who kept a livery stable. He got a week off, because he wanted to come to the city to see Mrs. Kelly and a woman named Anna Good, Mrs. Good was an aunt of his, also. The reason he did not go to his aunt's to stay was because he had not enough money; he had only \$7.00. During the week that he was in New York he did nothing but walk around the city and see the sights. He visited his aunt's house during the week. He called on Mrs. Good the day he was arrested; that was the first time he called at her house. During that week he went to Mrs. Kelly's for dinner every day. He did not want his uncle to know that he was home. He had never done anything that he was ashamed of. He had gone under the name of John Adams, once, when he was employed in the Street Cleaning Department, because the men received their pay in alphabetical order, and if a man got among the A's, he would get paid early. That was the only time he had gone under a name which was not his own. The only thing of which he had been convicted was

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disorderly conduct, for which he had been fined. He had been in Mamaroneck about a month. Before going to Mamaroneck he had lived with his aunt, Mrs. Kelly. He was not ashamed to stay at Mrs. Kelly's when he was out of work, but he wanted to go back to Mamaroneck and make more money, and then pay Mrs. Kelly his board for the entire time that he had been there. He knew the complainant, and had known him about ten or twelve years. He knew the complainant's business. He knew that the complainant kept open until 11 o'clock Saturday nights. He knew that the complainant took in a good deal of money on Saturday nights. He had never had any trouble with the complainant, and he did not know of any reason why the complainant should feel hard towards him. He knew where the complainant lived.

WILLIAM H. RICHARDS, being duly sworn, testified that he was a night watchman in the Olive Tree Lodging House, in East 23rd street. He had been employed there about seven months. He had formerly been in the

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tea brokerage business. He remembered Saturday night, the 29th of August, 1893. Detective Robinson called on him and had a conversation with him the next evening, Sunday. The night clerk who was in that lodging house on the night in question had died subsequently to the defendant's arrest. He was the watchman on the second floor. Persons hiring beds had to pay their money at the office, where they were given a key. His hours were from 6 o'clock at night until 7 o'clock in the morning. On the floor on which he was there were forty-four double beds, upper and lower beds. It was "one plain, barren floor, with the beds upon it." There was a closet or locker alongside of each bed, for the occupants of the beds to keep their clothes in, which were locked. He remembered showing the defendant to bed 157 on that floor on the night in question, about 9 or 10 o'clock. He remembered that he took the defendant to the wrong locker first, and had some trouble about it, and then took him to the right locker. His duties in that place

were "to conduct the men to their proper beds; and, at 12 o'clock at night, to go around and make a report of all the empty beds on the floor, and report at the office; and compare his report with the registry sheet; and, if it compared with the registry sheet, then it was all right." He made a report at 12 o'clock on the night in question; and reported bed 157 occupied. He went through the floor again at 2 o'clock, and at that time the bed in question was occupied by the defendant. At 5 o'clock he made another report of empty beds, and that bed was still occupied at that time. He next saw the defendant in the Tombs. He went to the Tombs to see if he could recognize the defendant, and to convince himself whether or not the defendant was the person who occupied bed 157 on the night in question.

In cross-examination the witness testified that the defendant's friends went to him and asked him what he knew about the defendant's being in that lodging house on the night in question. He could

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not place the defendant by name, and so he went to the Tombs to see if he could recognize him. He did not remember whether or not the defendant had slept in the lodging house the Friday night preceding the night in question; nor did he know whether the defendant slept in the house on the Thursday or Wednesday nights before. The reason he was so sure about this night was that the officer called the nextday and had a conversation with him. . He did not see the defendant's face when he made his report at 12 o'clock. There was nothing to compel a man to stay in the house all night; he could leave when he wanted to.

In re-direct examination the witness testified that it was impossible for any one to leave that floor without him seeing them. .

0031



6 Decr 1903

Dear Judge Martine:

I enclose

two cuttings from the  
World on the subject  
of Scanlon. There  
have been several  
other publications;  
but they will not  
interest you.

Very Truly Yours:

Mrs. Shaw Bowrey.  
Judge Martine



0832

Police Court / District.

City and County } ss.:  
of New York,

of No. 15 Livingston Place Street, aged 26 years,  
occupation Butcher being duly sworn

deposes and says, that the premises No. 15 Livingston Place Street, 18 Ward  
in the City and County aforesaid the said being a four story brown stone  
dwelling house the three lower floors  
and which was occupied by deponent as a dwelling house  
and in which there was at the time a human being, by name

were **BURGLARIOUSLY** entered by means of forcibly opening the shutters  
of the lower rear basement opening on the yard

on the 20 day of August 1892 in the night time, and the  
following property feloniously taken, stolen, and carried away, viz:

One gold watch and  
chain and diamond locket attached, all  
together of the value of two hundred and  
ten dollars

the property of deponent

and deponent further says, that he has great cause to believe, and does believe, that the aforesaid  
**BURGLARY** was committed and the aforesaid property taken, stolen and carried away by

James Scanlon and two other  
persons unknown (not yet arrested) acting in concert  
for the reasons following, to wit: that on the said date about  
3 o'clock in the morning deponent was awakened  
from his sleep by a noise made by his wife,  
deponent got up from his bed and saw this defendant  
in the act of running out of deponents residence  
by means of the bell door. Deponent is informed  
by his wife that when she made the noise which  
awakened him she saw a man in the room in  
which deponent and his wife were sleeping and





0834

(1885)

Sec. 198-200.

District Police Court.

CITY AND COUNTY } ss.  
OF NEW YORK, }

James Scanlon being duly examined before the under-  
signed according to law, on the annexed charge, and being informed that it is his right to  
make a statement in relation to the charge against him; that the statement is designed to  
enable him if he see fit to answer the charge and explain the facts alleged against him  
that he is at liberty to waive making a statement, and that his waiver cannot be used  
against him on the trial.

Question. What is your name?

Answer.

James Scanlon

Question. How old are you?

Answer.

18 years

Question. Where were you born?

Answer.

New York

Question. Where do you live and how long have you resided there?

Answer.

405 East 16th Street. 16 years

Question. What is your business or profession?

Answer.

DriverQuestion. Give any explanation you may think proper of the circumstances appearing in the testimony  
against you, and state any facts which you think will tend to your exculpation?

Answer.

I am not guilty.James Scanlon

Taken before me this

day of

Police Justice.

0835

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named

*Defendant*  
*Twenty Two* guilty thereof, I order that he be held to answer the crime, and he be admitted to bail in the sum of Twenty Two Hundred Dollars, and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

Dated, \_\_\_\_\_ 189 \_\_\_\_\_ Police Justice.

I have admitted the above-named \_\_\_\_\_  
to bail to answer by the undertaking hereto annexed.

Dated, \_\_\_\_\_ 189 \_\_\_\_\_ Police Justice.

There being no sufficient cause to believe the within named \_\_\_\_\_  
\_\_\_\_\_ guilty of the offense within mentioned, I order h to be discharged.

Dated, \_\_\_\_\_ 189 \_\_\_\_\_ Police Justice.

0836

BAILED,

No. 1, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 2, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 3, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 4, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

65 898  
Police Court--- / District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

1 Jacob L. Lisner  
2 15 Livingston Pl.  
3 James Scanlon  
4  
Offense: Drunken

Dated, August 21 1893

Martin Magistrate.  
Rotnism and McAffrey Officer.  
C.O. Precinct.

Witnesses: Mr. Lisner

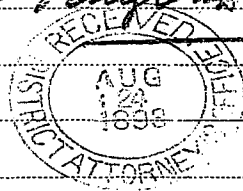
No. 15 Livingston Place Street.

No. \_\_\_\_\_ Street.

No. \_\_\_\_\_ Street.

\$ 25.00 to answer G. J.

Do 19 9/1







0838

# World

Weather:  
Indications:  
air, warmer

THE AVERAGE CIRCULATION OF  
THE WORLD FOR THE FIRST  
TWO MONTHS OF 1894.  
433,167 Per Day.

## RESEARCH INTO GENES

14 PAGES

## Four Men Killed and Many Wounded in a Fight at Darlington.

THE DISPENSARY SACKED  
 When Attack Constables as They  
 Are Leaving Town and Drive  
 Them to the Swamp

[illegible]

A suggestion was made that the crowd raid the State Dispensary, two blocks down the street, and for the moment things looked squally. But speeches were made by Editor Gonzalez, of the Columbia State, and Capt. John G. Capera, and their counsels against violence at length prevailed.

The newspaper representatives repaired to the Executive Mansion to-night. The Governor came hurriedly to the door, seemed surprised to see them, and then came down the stairs excitedly. When told that the spies had taken to the woods he said he could not blame them when there were four or five hundred men after them.

"Nobody," said Gov. Hillman, "wants to stay here. There has to be a lot of men here to look after the property. The only thing that is to be done is to get the authorities to get some of the men out of the woods."

# JUSTICE DONE HIM NOW

## The World Secures a Pardon for Young Scanlon, Who Was Unjustly Sentenced.

**HE GOT FIFTEEN YEARS; WEEKS, TEN.**

## Evidence that He Stole Anything Was Weak and an Alibi Was Quite Well Proved.

**FREE WITH FRIENDS**

How John Brown, by a World Man, to Whom Gov. Flower Gave the Pardon After Hearing The World's Case.

John M. Scanlon, the eighty-year-old unfortunate who, on Nov. 10, 1893, was sentenced to fifteen years in State prison by Judge Martine on a charge of burglariously entering a butcher's house and stealing some jewelry, was set free yesterday morning through the efforts of the World. A five-column article appeared in this paper last night, and submitted to Judge Flower some time ago, and after reviewing all the facts in the case he notified The World that its representative could get the pardon for



JAMES SCANLON

Scanton, A. World man went to Albany on Thursday, obtained the pardon and yesterday morning presented the document to Supt. Brockway, of the Elmira Reformatory, to which institution young Scanton had been transferred from Sing Sing. At 11 A. M. the doors of the reformatory swung to behind Scanton and he stepped out into the spring sunshine, which made his prison-dimmed eyes blink, while his throat worked convulsively and the only words that would come were "Thank you, thank you."

The story of the case made more startling by the fact that when this poor, helpless, weak-minded, trembling man was sentenced to his doom, Francis H. Weeks, the self-confessed betrayer of the trust of the widow and the orphan, got off with ten years, will be told later. The efforts that The World has made since then, after establishing its case against the contractor, and after the release had been procured, are the subject of an article was one of its most selling of the papers which accompanied the petition for a pardon, and it was the new light shed by it on the case which opened the way for his freedom. Besides this clipping and the full minutes of the court proceedings, the only other paper attached to the petition was this letter from Scanlon's benefactor, Thomas D. Eddy, of Croombs Crosby &

**"YOU HYPOCRITE," SHE SAID.**

**A Strange Woman Accuses Col. Hadley of  
Ruining Her Years Ago and He Admits  
It in a Crowded Mission.**

A larger crowd of singers and saved than usual filled the comfortable hall of St. Bartholomew's Mission, on Forty-second street, between Avenue 2 and 3, the place where the singing school is held. The choir was composed of about thirty members. These were drawn mostly from the fashionable churches of the city, and from "St. Mary's Hill," very rarely from the slums. They sang with some of the Misses Vanderbulte or Misses Gould being present. The church took a special interest in this mission and to their efforts and contributions is its flourishing condition due. Only recently the Vanderbults furnished the mission with an organ that cost \$25,000.

He was the first to speak, saying: "I am glad to say the full complement of 800 persons in the Rescue Mission Room, as it is called. He was more than usually impressive when he opened the extra programme generally prepared for Friday night. Speakers, exhorters and singers followed and then came the time for the saved to testify as to their experiences.

While this always interesting feature of miscommunication is in progress a good-looking, well-dressed woman in a beige jacket dug about in the seats in the rear of the room. She was so impatient as speaker after speaker recounted the stories of their lives of sin and their welcome rescue. Suddenly she stopped and she returned abruptly to her seat after looking at her cell. She was holding in her hand a small, white, sack-like object. She looked at it and then at her cell. She looked at it and then at her cell. She looked at it and then at her cell.

and persons without uttering a word. The man who had been there making the speech, a young man of about twenty years, who seventeen years ago did not know that he could never lie down. "You, who are a young man, are here, and you are sending souls to perdition. Would some one be in your line?" he said. "I am interested," the congregation were intensely interested. The dramatic gesture, a loud voice, the fearful intonation and the seriousness of the charge of the woman in the pulpit, had been seen before, but no one had made a move to suppress her. Col. Hadley trembled and helpless, and pleadingly looked at the speaker. The special officer who is employed during the service took no action. The officer moved towards the woman, who resumed her invective. As he did so the woman turned her face towards him. The officer stopped short and the woman went on for several minutes to recount the wrongs of the church.

After she had grown quite hoarse with her shouting she turned to the congregation and said: "Let Col. Hadley arrest me now if he wants to."

"You may go," said the Colonel. "I shall





## These Facts Throw More Light Upon

EVEN IF GUILTY HIS WAS A TER-  
RIBLE RATE

FIFTEEN YEARS—THINK OF IT!

The publication in The World of the story of James M. Scanlon, who was railroaded to Sing Sing Prison on Nov. 11 for a period of fifteen years for the alleged offense of burglary in the first degree, attracted widespread attention. Comments on the case were all along the line that injustice had been done. The flimsy nature of the evidence against the boy and the severity of his sentence when he was convicted won him a deal of sympathy.

Judge Martin, who presided in Part II of the General Session, at which Scanlon was tried, said: "Judge Martin was extremely courteous, but expressed himself as being averse to saying anything for publication, on the ground of propriety. He said that he did not desire to discuss a trial at which I presided in the public press," said he. "The case of young Scanlon came before me in the regular way. I heard it and turned it over to the jury. When the accused was pronounced guilty I sentenced him according to law. That is all I can say."

On the subject, a well-informed person stated that Judge Miller entertained the impression that Scanlon had been previously convicted of felony, which was erroneous. He was accused of an offense and brought before the General Sessions in 1921, the occasion on which Mr. Ulysses D. Eddy attended the trial and testified in the boy's behalf as set forth in yesterday's World. The case was pronounced by Mr. Eddy to be trivial and

the evidence against him as unworthy of serious consideration.

Assistant District Attorney Weeks explained that the evidence in Scanlon's case was sent to the District Attorney's office in the regular manner

"I selected what would aid the side of the State and presented it to the jury," he added. "There were only two material witnesses—Mr. Llesner, on the part of the State, and Mr. Richards, of the Olive Tree Inn, on the part of the defense. The jury believed the former and the accused was convicted. I did my duty as a public officer, and that is

The belief of the friends of Scanlon is that police persecution had given him a bad name. They are especially convinced that the policeman on the post at First avenue and East Sixteenth street is his bitter enemy. The statement of young Scanlon, published yesterday, set forth that Policeman Jennings hounded him and had given him a bad

Miss Julia Kelley, mother of Louis Kelley, who is his father's only child, lives at 405 East Sixteenth street, where she has lived for the past fourteen years. Louis Kelley, her brother, a bricklayer, lives with her. Jimmy Scanlon has depended upon his father for the education he would bestow since early childhood. No. 405 East Sixteenth street has been the home to which he has turned.

"The boy is not one to commit crime," said Miss Kellogg. "He is kindly and not vicious. Some of the young men are a little better than good, but that is for him, but what are you going to do? I dislike to tell Jimmy that Colfemman's findings forced him to have spoken to me this time, saying that he was abusing him. He would call Jimmy bad and would not let him go. He would not let the fist of his hand. Jimmy tended the news stand, owned on the corner of the street, and he was a little better than good. It was pleasant between Jennings and him, and he was a little better than good. I told my nephew to ask Jennings for my money, and he said that he would not let Jimmy come to see him. He said that he would not let Jimmy come to see him at his with his club and cursed him. Another time he came to the crying and said that he would not let Jimmy come to stand, where he had a perfect right to stand."

Miss Kelley covered the subject of the news-stand business and the indebtedness of Officer Jennings in the follo-

ran across the street to No. 405 East Sixteenth street, where he lived. Scanlon was in terror of Policeman Jennings. When he stood on the corner and some of the boys said to him, "Here comes Jennings," he would run to the house.

JOSSEPH J. GIBBONS

**THE HOUSEKEEPER'S STATEMENT.**  
The housekeeper of the tenement in which George lived swears to this statement:

[illegible]

MRS. M. HANSEN.  
Mrs. M. Hansen, being duly sworn, says that  
the foregoing statement is true and correct.  
Sworn to before me this 15th day of November,  
1932. G. C. FIEGEL.

The assertions made by Scanlan, Miss Kelly, Lawrence Kelly and by other people in the vicinity of East Sixteenth Street, New York City, that James J. Scanlan arose over an unpaid bill, and was killed by the fact that on four different occasions the officer has been reprimanded by his superiors for not paying his debts. This information is obtained from the official report of Miss Headquarters Sergeant Joseph J. Scanlan.

Scanton, a full-blown, blond man with a full blonde beard. He paid the girl's reticence, and the reporter he said he knew, but little of the Scanton affair. Scanton was, he knew, a street boy about the corner of Sixteenth street and "the avenue" who in summer, with numerous others of his kind, gave Lissner a lot of trouble. His name, he said, was not in the

He arrested him on the morning of Aug. 20 at the request of Butcher Lissner and turned him over to Detective Robinson. He had no prejudice against the boy, neither did he owe Miss Kelly a bill for newspapers. This he pronounced a "trumped-up charge."

Jennings was asked why he did not attend the trial of Scanlon.

"I was not summoned," was his answer. In response to the question whether he was off duty sick on Nov. 9 and 10, Jennings replied that he was

At the trial, Counselor Meyer asked Detective Robinson in cross-examination (pages 52-53 of the official copy of the record), "Is he here in court, Officer Jennings?"

the absence from court of Jennings' alleged prosecutor was a prearranged affair.

JULIA KELLEY'S APT. 101A

[illegible][illegible]

**WHAT LAWRENCE KELLEY SAYS.**  
Lawrence Kelley covers his knowledge

1. Lawrence Keller, of No. 405 East Sixteenth street, 40 state as follows: That Policeman Jennings, of the Twenty-second street station, used to take newspapers from the stand kept by Walter J. Keller, and handed a portion of

[illegible]

LAWRENCE KELLEY.  
Lawrence Kelley, being duly sworn, says that the above statement is true and correct.

Sworn before me this 18th day of November, 1891.  
G. C. FIEGEL, Notary Public.  
Here is another interesting affidavit:

I, Joseph P. Gibbons, of No. 405 East Sixteenth street, do hereby state that I was standing on the corner of East Sixteenth street and First avenue just before Miss Julia Kelley sold her newstand on the corner.

Scanlon was on the opposite corner. James M. Scanlon was washing the stand. He had a pail of water and a cleaning kit. Policeman Jennings, of that beat, crossed First avenue and approached Scanlon. He told him to get away from there. Scanlon said: "I have got to clean this stand." Policeman Jennings then hit Scanlon with his back with his club. Scanlon went into the stand. Jennings pulled him out of the doorway and hit him with his club.



THIS IS OF COURSE A SUBJECT OF GREAT IMPORTANCE

100

100

100

100

100



2

"I was standing by the door ready to go out and look for him. I didn't see him at the door. I was aware of your explanation, that is not true. A not true. You were mistaken. A. Yes. You meant to say was that union running downstairs. I running downstairs. I was first aware of him first wife Scanlon at the time. It has difficulty in doing this. But point where he was have first seen him, and he was shown above, said he saw downstairs. I asked him if his memory

0844

Form No. 1.

**THE WESTERN UNION TELEGRAPH COMPANY.**

21,000 OFFICES IN AMERICA.

INCORPORATED

CABLE SERVICE TO ALL THE WORLD.

This Company TRANSMITS and DELIVERS messages only on conditions limiting its liability, which have been assented to by the sender of the following message. Errors can be guarded against only by repeating a message back to the sending station for comparison, and the Company will not hold itself liable for errors or delays in transmission or delivery of Unrepeated Messages, beyond the amount of tolls paid thereon, nor in any case where the claim is not presented in writing within sixty days after the message is filed with the Company for transmission.

This is an UNREPEATED MESSAGE, and is delivered by request of the sender, under the conditions named above.

THOS. T. ECKERT, President and General Manager.

NUMBER	SENT BY	REC'D BY	CHECK
2100	Yg	41 paid	849

**RECEIVED** at the WESTERN UNION BUILDING, 195 Broadway, N. Y. *May 20* 1894

Dated *Albany N.Y. 20*

To *Hon John A. Fellows*

*Dist atty New York*

On December twenty first the Governor Requested report in case of Joe Scanlon an applicant for executive clemency but not yet received. Will you please furnish same soon as possible. Scanlon was convicted in November last & sentenced for fifteen years. *J. Williams Private Secy*



# Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*James Scanlon*

The Grand Jury of the City and County of New York, by this indictment, accuse

*James Scanlon*

of the CRIME OF BURGLARY in the *first* degree, committed as follows:

The said

*James Scanlon*

late of the *18th* Ward of the City of New York, in the County of New York aforesaid, on the *eighteenth* day of *August* in the year of our Lord one thousand eight hundred and ninety *three* in the *eight* time of the same day, at the Ward, City and County aforesaid, the dwelling house of one *Jacob L. Lissner*

there situate, feloniously and burglariously did break into and enter, there being then and there a human being within the said dwelling house, with intent to commit some crime therein, to wit: the goods, chattels and personal property of the said *Jacob L. Lissner*

in the said dwelling house then and there being, then and there feloniously and burglariously to steal, take and carry away,

*the said James Scanlon being then and there assisted by a confederate actually present, whose name is to the Grand Jury aforesaid unknown;*

against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

## SECOND COUNT—

And the Grand Jury aforesaid, by this indictment further accuse the said

*James Scanlon*  
of the CRIME of *Grand LARCENY in the first degree*, committed as follows:

The said

*James Scanlon*  
late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid,  
at the Ward, City and County aforesaid, in the *night* time of the said day, with force and arms,

*one watch of the value of one  
hundred and twenty-five dollar,  
one chain of the value of fifty  
dollars and one locket of  
the value of seventy five dollars*

of the goods, chattels and personal property of one

in the dwelling house of the said

*Jacob L. Lissner*  
*Jacob L. Lissner*  
there situate, then and there being found, from the dwelling house aforesaid, then and there felon-  
iously did steal, take and carry away, against the form of the statute in such case made and provided,  
and against the peace of the People of the State of New York and their dignity.

*Wm. Lancy Nicoll*  
*District Attorney*



0847

**BOX:**

534

**FOLDER:**

4866

**DESCRIPTION:**

Scanlon, Thomas

**DATE:**

09/22/93



4866

0848

**BOX:**

534

**FOLDER:**

4866

**DESCRIPTION:**

Loff, James

**DATE:**

09/22/93



4866

0849

Witnesses:

*Off Muldoon*

Counsel,

Filed,

day of

1893

Pleads,

THE PEOPLE

vs.

*P*

*Thomas Scamlow.*  
and *James Loff.*

Assault in the Second Degree.  
(Section 218, Penal Code.)

*Sept 22/93*  
DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

*For Sealing*  
*to 26 Sept 1893*

Foreman.

*No 2. 2 yrs 6 mos*  
*No 1. 3 yrs 6 mos*

*Not.*  
*Was Christ & Aquilino*  
*in 1893 in Kelly 189*

0850

Police Court— 4 District.

CITY AND COUNTY } ss  
OF NEW YORK,

John Blaha  
 of No. 331 East 38<sup>th</sup> Street, Aged 24 Years  
 Occupation: Segar Maker  
 being duly sworn, deposes and says, that on the  
 5 day of March 1893, at the 19<sup>th</sup> Ward of the City of New York,  
 in the County of New York, was feloniously taken, stolen, and carried away, from the person of de-  
 ponent by force and violence, without his consent and against his will, the following property, viz:

One silver dollar good and lawful money  
 of the United States

of the value of One dollar DOLLARS,  
 the property of deponent

and that this deponent has a probable cause to suspect, and does suspect, that the said property was  
 feloniously taken, stolen, and carried away, by force and violence as aforesaid by

Stephen Scanlon (now here) and one other  
 person not yet arrested - for the reason that on said  
 date as deponent was about to open the door of his  
 premises aforesaid he was violently seized and thrown  
 upon the roof of said premises by two men, and the  
 above property was by force and violence taken  
 from him. Deponent positively identifies the defendant  
 Scanlon as one of his assailants and swears  
 that he is held for robbery  
 Jacobus Blaha

day of

Sworn to before me this

1893

March

1893

at New York

City of New York

Notary Public

0851

Sec. 198-200.

District Police Court.

CITY AND COUNTY } ss:  
OF NEW YORK,

Stephen Scanlon being duly examined before the under-  
signed according to law, on the annexed charge, and being informed that it is his right to  
make a statement in relation to the charge against him; that the statement is designed to  
enable him if he sees fit, to answer the charge and explain the facts alleged against him;  
that he is at liberty to waive making a statement, and that his waiver cannot be used  
against him on the trial.

Question. What is your name?

Answer. Stephen Scanlon

Question. How old are you?

Answer. 23 years

Question. Where were you born?

Answer. U. S.

Question. Where do you live and how long have you resided there?

Answer. 241 East 45<sup>th</sup> Street. 6 years

Question. What is your business or profession?

Answer. Driver

Question. Give any explanation you may think proper of the circumstances appearing in the testimony  
against you, and state any facts which you think will tend to your exculpation.

Answer. I am not guilty.Stephen Scanlon

Taken before me this

day of

March1898

Police Justice

0852

committed, and that there is sufficient cause to believe the within named \_\_\_\_\_

the City Prison of the City of New York, until he give such bail:

*Dated,* \_\_\_\_\_ 189

*to bail to answer by the undertaking hereto annexed.*

Dated, \_\_\_\_\_ 189

*Police Justice.*

\_\_\_\_\_ guilty of the offense within mentioned, I order h to be discharged.

*Dated*, ..... 189

*Police Justice.*

1881

0853

62  
Police Court--- District. 255

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*John B. Galt*  
*331 E. 38th*  
*Stephen Beaulieu*

Offense *Robbery*

2  
3  
4

BAILED,

No. 1, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

No. 2, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

Dated, *March 5* 189 *3*

*Beaulieu* Magistrate.

*Moffet* Officer.

*21* Precinct.

Witnesses \_\_\_\_\_

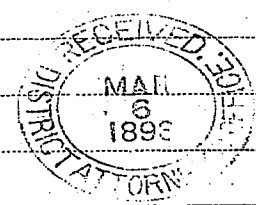
No. \_\_\_\_\_ Street.

No. \_\_\_\_\_ Street.

No. \_\_\_\_\_ Street.

\$ *1000.* to answer *G. S.*

*Om*





Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

*Thomas Scanlon and  
James Loff*

The Grand Jury of the City and County of New York, by this indictment, accuse

*Thomas Scanlon and James Loff*

of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows :

The said

*Thomas Scanlon and James Loff*

late of the City and County of New York, on the *thirty-first* day of  
*August* in the year of our Lord one thousand eight hundred and  
ninety-*three*, at the City and County aforesaid, in and upon one

*Patrick J. Muldon*

in the peace of the said People then and there being, feloniously did wilfully and wrongfully  
did make an assault; and the said *Thomas Scanlon and James Loff*

with a certain *club and also with a certain brick* which *they* the said

*Thomas Scanlon and James Loff*  
in *their* right hands — then and there had and held, the same being then and there

a weapon and an instrument likely to produce grievous bodily harm, *him*, the said

*Patrick Muldon* — then and there feloniously did wilfully and  
wrongfully strike, beat, *cut* — bruise and wound, against the form of the statute

in such case made and provided, and against the peace of the People of the State of New York  
and their dignity.

## SECOND COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said

*Thomas Scaulon and James Loff*

of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said *Thomas Scaulon and James Loff*late of the City and County aforesaid, afterwards, to wit: On the day and in the year aforesaid,  
at the City and County aforesaid, in and upon the said*Patrick J. Muldoon*in the peace of the said People then and there being, feloniously  
did wilfully and wrongfully make another assault; and the said *Thomas Scaulon & James Loff*  
the said *Patrick J. Muldoon*  
with a certain *Club and also with a certain buck* —which *they* the said *Thomas Scaulon and James Loff* —in *they* right hand *then and there had and held, in and upon the*  
*head* of *him* the said *Patrick J. Muldoon*  
then and there feloniously did wilfully and wrongfully strike, beat, *cut*  
bruise and wound, and did then and there and by the means aforesaid, feloniously, wilfully  
and wrongfully inflict grievous bodily harm upon the said *Patrick J. Muldoon* —  
to the great damage of the said *Patrick J. Muldoon* —  
against the form of the statute in such case made and provided, and against the peace of the  
People of the State of New York and their dignity.

DE LANCEY NICOLL, District Attorney.

0856

**BOX:**

534

**FOLDER:**

4866

**DESCRIPTION:**

Schmitz, Hermann

**DATE:**

09/27/93



4866

0057

Herman K. Sulzer

No Connection can be  
had in this case without  
the testimony of certain  
employees of the  
flourmill, & also of  
the stevedores, & the  
defendant's attorney,  
who is now in the  
flourmill, cannot  
find out of them, but  
the other members of  
a large of men, the  
express, who are  
about the flourmill,  
as means of overturning  
them, who have  
I am convinced of this  
to get, yet as it  
be proved, to the  
revert, & the  
defendants, the  
has one more  
April 10, 1897  
J. J. Van Allen  
J. J. Van Allen

*Mary Ann*

# THE PEOPLE

Herrmann Schnitz

So endorsed  
Apr 19/77  
Paul Discharged.

Off the turn between Rich - and  
A TRUE BILL.

Wm Bloomfield

Exo 320

## Foreman

Dec. 14 93 243

Let = apr 23/94 all known 5 1

0858

POOR QUALITY  
ORIGINAL

Witnesses:

Hermann Sulzer

No connection can be  
had in this case without  
the testimony of certain  
employees of the law  
firm of Sulzer who  
it is claimed delivered  
the stolen goods to  
defendant. They  
were men of fine and  
excellent character and  
plaintiff cannot now  
find or appear to  
his better informed  
a large of over three  
years, and is here where  
about the people have  
no means of ascertaining  
the whereabouts of  
I am convinced of their  
truth, yet as it cannot  
be proved, to clear the  
record I recommend  
defendants discharge on  
his own recognizance  
April 10 1897  
J. J. Van Allen  
J. J. Van Allen

Counsel

Filed

day of

1893

Plead

THE PEOPLE

vs.

Hermann Schmitz

RECEIVING STOLEN GOODS.  
(Section 550, Penal Code.)

See endorsement -  
Apr 19/97 DE LANCEY NICOLL,  
Bail Discharged. District Attorney.

A TRUE BILL.

C. W. Bloomfield

No 320

Foreman.

Dec. 14/93 28/13

Part I - April 23/94 C. W. Bloomfield

0059

CITY AND COUNTY }  
OF NEW YORK, } ss.

1877

aged 20 years, occupation John Ludwig  
Painter of No.

2 arc + 127 ch Street, being duly sworn, deposes and

says, that he has heard read the foregoing affidavit of Herman Lutz  
and that the facts stated therein on information of deponent are true of deponent's own  
knowledge.

Sworn to before me, this

day of

17

July 1893

John Ludwig

Chas. F. Fitch

Police Justice.



0860

Police Court, 5 District.

City and County } ss.  
of New York,

of No.

occupation

that on the

York, in the County of New York,

2nd Ave & 127th Street, aged 40 years,  
Hotel Keeper being duly sworn, deposes and says,  
1st day of July 1893 at the City of New

Herman Schmitt  
(now here) did, feloniously receive  
three plated desert spoons, four  
plated tea spoons, two plated  
knives, one plated fork, all of  
the value of three dollars, the  
property of defendant, as defendant  
verily believes. From the fact that  
defendant had a cook in his  
employ. From the 1st day of  
January last until about two  
weeks before the date of making  
this complaint, when defendant  
got information that the cook  
was stealing from defendant and  
disposing of the articles so stolen  
to this defendant Schmitt, defendant  
then discharged the cook. Defendant  
was thereafter informed by one John  
Leeving a porter in his employ, that  
this defendant had told him to  
steal all he could from defendant  
and that he Schmitt would buy  
all he could steal, and that he had  
been in the habit of buying articles  
which defendant's employees had  
stolen from defendant.  
Defendant further says that he went  
to the restaurant of this defendant and  
found all of the property mentioned in  
this affidavit in the defendant's possession.  
Wherefore defendant charges this defendant  
with feloniously receiving said property  
he well knowing that said property

0861

had been stolen. and for up he may  
be held and dealt with according  
to law.

Sworn before me }  
this 17th day of July 1892 } Herman Sulzer  
J. F. Tuttle  
Police Justice

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named  
guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of  
Hundred Dollars, and be committed to the Warden and Keeper of the City  
Prison of the City of New York, until he give such bail.  
Dated 1888  
I have admitted the above named  
to bail to answer by the undertaking hereto annexed.  
Dated 1888  
There being no sufficient cause to believe the within named  
guilty of the offence mentioned, I order he to be discharged.  
Dated 1888  
Police Justice.

Police Court-- District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

vs.

1  
2  
3  
4

Offence,

Dated

1888

Magistrate.

Officer.

Clerk.

Witnesses,

No.

Street,

No.

Street,

No.

Street,

\$

to answer

Sessions

0062

Sec. 198-200.

51 District Police Court.

CITY AND COUNTY OF NEW YORK, ss:

*Herman Schmitz* being duly examined before the undersigned according to law, on the annexed charge, and being informed that it is his right to make a statement in relation to the charge against him; that the statement is designed to enable him if he sees fit, to answer the charge and explain the facts alleged against him; that he is at liberty to waive making a statement, and that his waiver cannot be used against him on the trial.

Question. What is your name?

Answer. *Herman Schmitz*

Question. How old are you?

Answer. *47 years old*

Question. Where were you born?

Answer. *Germany*

Question. Where do you live and how long have you resided there?

Answer. *308 E 126 St 5 years*

Question. What is your business or profession?

Answer. *Cook & Manager*

Question. Give any explanation you may think proper of the circumstances appearing in the testimony against you, and state any facts which you think will tend to your exculpation.

Answer.

*I am not guilty*  
*Herman Schmitz*

Taken before me this

day of

*John J. Leith*  
Police Justice.

0863

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named

*Alfred Smith*

guilty thereof, I order that he be held to answer the same, and he be admitted to bail in the sum of *Five* Hundred Dollars, and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

Dated, *Sept 5* 1893

*Thos J. Fitch* Police Justice.

I have have admitted the above-named *defendant* to bail to answer by the undertaking hereto annexed.

Dated, *Sept 5* 1893

*Thos J. Fitch* Police Justice.

There being no sufficient cause to believe the within named \_\_\_\_\_ guilty of the offense within mentioned, I order h to be discharged.

Dated, \_\_\_\_\_ 189

\_\_\_\_\_  
Police Justice.

0864

Ex-25 July 93 at 2 P.M. 6141  
\$500

Arrested 1st July 93 at  
2 P.M. \$500. fine

Ex-5 Sept 93 at  
2 P.M.

BAILED.

No. 1, by Israel H. Eisenberg  
Residence 132 E Broadway Street.

No. 2, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

Police Court,

5<sup>th</sup> District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Human Schlegel  
2nd Precinct 127<sup>th</sup> St.

Human Schlegel

2 \_\_\_\_\_

3 \_\_\_\_\_

4 \_\_\_\_\_

Dated, July 17 1893

John M. Burke Magistrate.

John Ludwig Officer.

29 Precinct.

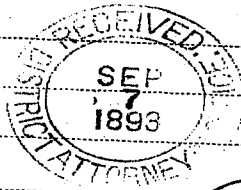
Witnesses John Ludwig  
No. 29 + 127 Street.

No. \_\_\_\_\_ Street.

No. \_\_\_\_\_ Street.

\$ 500 to answer 9.5

Baileb  
oto 320



Offense Receiving  
Stolen property

0865

**NEW HARLEM RIVER PARK,**

126th Street and 2d Ave.

**HARLEM CASINO and GARDEN  
and SULZER'S MUSIC HALL,**

2d Ave. and 127th Street.

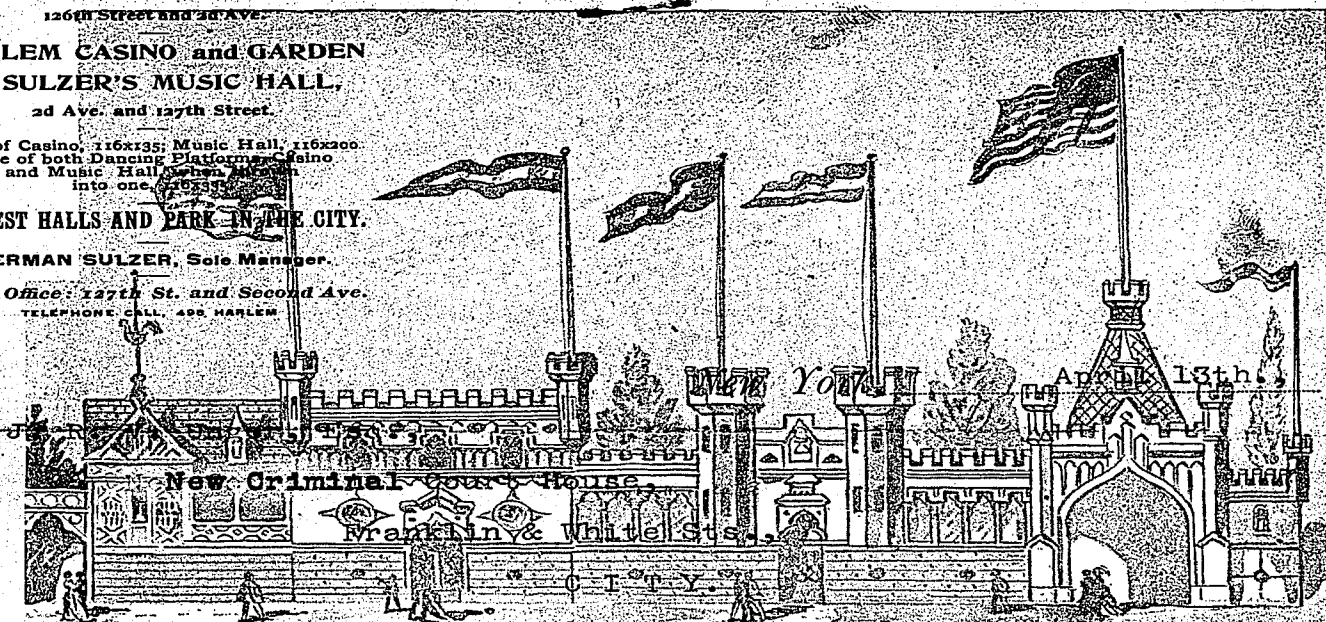
Size of Casino, 116x135; Music Hall, 116x200.  
Size of both Dancing Platforms, Casino  
and Music Hall, when thrown  
into one, 116x335.

**LARGEST HALLS AND PARK IN THE CITY.**

**HERMAN SULZER, Sole Manager.**

Main Office: 127th St. and Second Ave.

TELEPHONE CALL 400 HARLEM

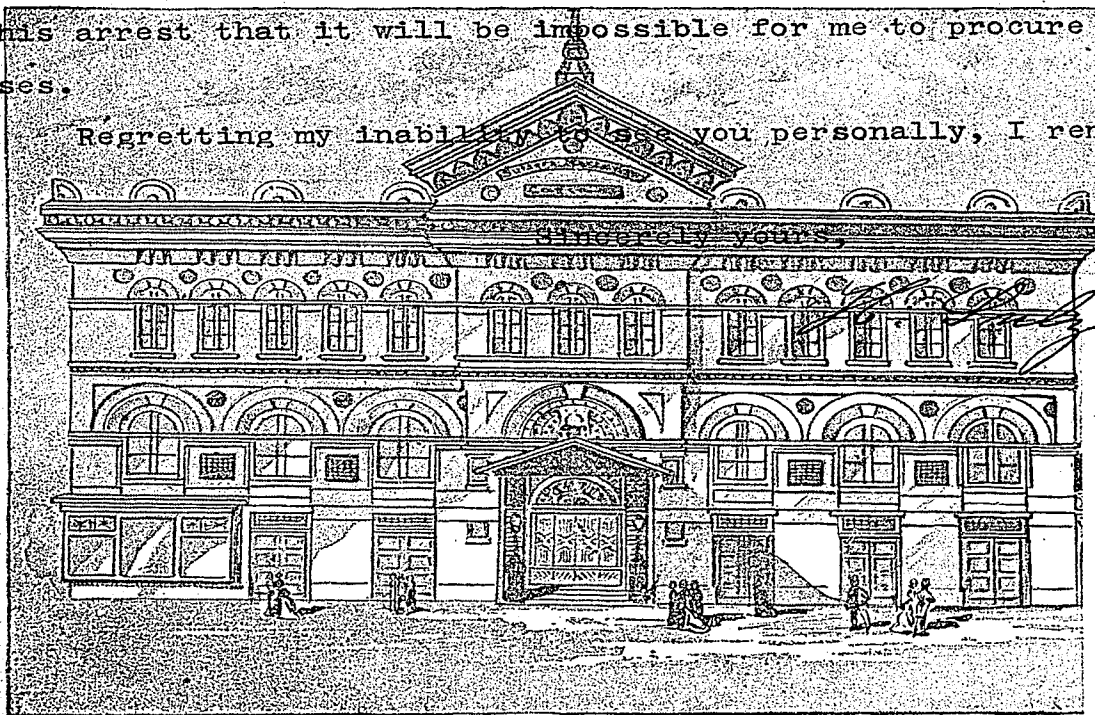


Dear Sir:-

Referring to your subpoena notice of April 6th., and to the conversation you had with my representative, in regard to The People against Herman Sulzer, I think it advisable to drop the matter. So long a time has elapsed since his arrest that it will be impossible for me to procure the necessary witnesses.

Regretting my inability to see you personally, I remain,

Sincerely yours,





0866

**Court of General Sessions of the Peace**  
**OF THE CITY AND COUNTY OF NEW YORK.**

THE PEOPLE OF THE STATE OF NEW YORK

against

*Hermann Schmitz*

The Grand Jury of the City and County of New York, by this indictment accuse

*Hermann Schmitz*  
of the CRIME OF RECEIVING STOLEN GOODS, committed as follows:

The said

*Hermann Schmitz*  
late of the City of New York, in the County of New York aforesaid, on the  
day of *July* in the year of our Lord one thousand eight hundred and  
ninety-*three*, at the City and County aforesaid, with force and arms,

*seven spoons of the value of  
twenty-five cents each, two knives  
of the value of fifty cents each  
and one fork of the value of  
fifty cents*

of the goods, chattels and personal property of one

*Herman Sulzer*

by certain persons to the Grand Jury aforesaid unknown, then lately  
before feloniously stolen, taken and carried away from the said

*Herman Sulzer*

unlawfully and unjustly did feloniously receive and have; the said

*Hermann Schmitz*

then and there well knowing the said goods, chattels and personal property to have been felon-  
iously stolen, taken and carried away; against the form of the statute in such case made and  
provided, and against the peace of the People of the State of New York and their dignity.

DE LANCEY NICOLL,  
District Attorney.

0867

**BOX:**

**534**

**FOLDER:**

**4866**

**DESCRIPTION:**

**Schooley, William H**

**DATE:**

**09/22/93**



4866

0868

Witnesses:

Ellen M. Gay  
off Rogers

24th Nov 1893  
Counsel, *W. H. H. H. H.*

Filed *24th* day of *Sept* 1893  
Pleads, *W. H. H. H. H.*

THE PEOPLE

vs.

*L. H. H. H.*  
William H. Schooley

*Feb 21/94*

*Part 1 Dec 13* DE LANCEY NICOLL,

District Attorney.

*And found guilty*

A TRUE BILL.

*E. W. Bloomingdale*

Foreman.

*Part 2 for Trial*  
*Sentenced on an indictment*  
*Ch 241*

*J. A. C.*

*Forgery in the first degree*  
*(Sec. 509 and 521 of the Penal Code)*

0069

ANDREW H. PURDY.

P. A. McMANUS.

PURDY & McMANUS,  
COUNSELORS AT LAW,  
280 BROADWAY,  
ROOM 85,  
STEWART BUILDING.

NEW YORK

Dec 5<sup>th</sup> 1891

Dear Sir:

Will you please  
call on me in a  
personal matter as  
soon as possible I  
have some information  
important for you  
to know. I wish  
to see you on a  
confidential matter  
as a brother lawyer.  
Yours Truly  
J. H. Purdy.

COURT OF GENERAL SESSIONS OF THE PEACE,  
IN AND FOR THE CITY AND COUNTY OF NEW YORK.

-----X  
THE PEOPLE OF THE STATE OF NEW YORK, :

-against- :

WILLIAM H. SCHOCLEY. :  
-----X

STATE OF NEW YORK,  
CITY AND COUNTY OF NEW YORK. s.s.

AMBROSE H. PURDY, being duly sworn, deposes and says:  
that he is and for        years past has been an attorney and  
counsellor at law, and engaged in the active practice of his  
profession in the said City, County and State of New York, and  
that he was for        years Assistant District Attorney of said  
County.

Deponent further says that he was well and person-  
ally acquainted with one Abijah H. Richardson, and that he has  
had some slight personal acquaintance with the defendant  
above named. Deponent further says that on or about the 5th  
day of December, 1891, the said Abijah Richardson, in company  
with another person, called at this deponent's office, and  
stated to deponent in substance that one William H. Schooley  
the defendant above named, might possibly get arrested, and  
said Richardson then said to this deponent that he wished he  
would notify the above named defendant that if he, the defen-  
ant, was caused any trouble to say nothing, but that said  
Richardson would take care of and protect the said William  
H. Schooley.

Deponent further says that the exact nature of the conversation had between the said Abijah H. Richardson and this deponent, he at the present time is unable to relate, but that the impression then left upon the mind of the deponent was that whatever the transaction was, that the said Richardson had no confidence in and did not trust and had not taken into his confidence the said William H. Schooley. Deponent further says that he is able to fix the date of said conversation on account of the letter hereto attached, and which this deponent wrote to the defendant herein at the request of the said Abijah Richardson, special reference herein being had to the testimony of this deponent already given upon the witness stand upon the trial of the above named defendant.

Sworn to before me this )  
7<sup>th</sup> day of January 1895. )

*Wm H Schooley*  
*Don H Needs*  
*Wyo*

*A H Perry*



0872

In the matter of charges  
agst  
William H. Schooley.  
-----

City and County of New York.s.s.

Edward B. Carr being duly sworn says., That he resides  
at No. 95 Pacific Avenue, Jersey City (now not in business) but  
connected with  
formerly ~~xxx conductor xxx in xxx employ xxx~~ of the Pennsylvania Rail  
Road Company.

That he was personally acquainted with the person who  
delivered certain bonds to W. H. Schooley for sale, and that he  
knew him as Joel Peterson, and in fact had asked deponent to  
take the bonds (which deponent believes were the same bonds)  
known as the Iron Mountain Bonds.

That deponent on or about December 1892, loaned the said  
Peterson some money which was to be used on a trip he was  
about to take to the West, and deponent is informed and  
verily believes he did at said time go West and while on a  
trip to a Mining Camp in Colorado, he died, and deponent is  
very positive that such is the fact.

That the said Peterson was tall and slim and about the  
age of sixty five years.

Sworn to before me this  
22<sup>nd</sup> day of May 1894.

*E. B. Carr*

*Henry P. Crocker*  
*Commr of Duds*  
*N.Y. City & Co*

COURT OF GENERAL SESSIONS OF THE PEACE,  
IN AND FOR THE CITY AND COUNTY OF NEW YORK.

.....  
THE PEOPLE OF THE STATE OF NEW YORK, .....

against .....

WILLIAM H. SCHOOLEY. ....

STATE OF NEW YORK, )  
: ss.  
CITY AND COUNTY OF NEW YORK. )

GEORGE MARSHALL, being duly sworn, deposes and says:  
that he is 71 years of age, and resides at the Columbus  
Hotel in the City of New York, and that he is engaged in  
the real estate and brokerage business, which has been his  
avocation since the year 1872. Deponent further says  
that from the year 1868 to the year 1872 he was engaged  
in the secret service of the Federal Government, and under  
the directions of Colonel Whiteley, and that during the  
year 1868 he became acquainted with one Abijah Richardson,  
and that he has been well and personally acquainted with  
the said Abijah Richardson ever since said time. Depon-  
ent further says that the said Abijah Richardson was a  
man of plausible address and appearance, and it was gen-  
erally understood by those with whom he was well acquaint-  
ed, many of whom are personally known to deponent, that  
the said Richardson was engaged in the real estate or bro-  
kerage business, or in other words that the said Richardson

2.

was a real estate speculator, and that he also speculated in stocks, bonds, notes, etc; in fact that he handled commercial paper and all sorts of chattels and securities which were the subject of sale and barter upon Wall street. Deponent further says that during the summer of 1891, he saw the said Abijah Richardson in company with the above named defendant, William H. Schooley, and that the said William H. Schooley then called the said Abijah Richardson Mr. Peterson, and that the said Abijah Richardson then signalled by a motion of the hand to this deponent to say nothing. Deponent further says that thereafter some five or six weeks he met the said Abijah Richardson at the office of one P. H. Sumner in the City of New York, and that said Abijah Richardson then called this deponent out of the office, and requested him, (deponent), not to mention the name of Richardson and for the reason that the said Richardson was then engaged in a transaction wherein it was necessary that he should use the name of Edgar, in order to save a large commission which he would otherwise have to pay. Deponent further says that since the year 1871, he has met the said Abijah Richardson very frequently, and was well and personally acquainted with him, and that he knows of his own knowledge that upon various times and occasions the said Richardson went by the name of Edgar and also Peterson, but that some time in the early part of the year 1892 the said Abijah Richardson disappeared from his usual haunts, which were the Real Estate Exchange, on Liberty street, and 111 Broadway, and that this deponent has no knowledge or information as to

3.

the present whereabouts of said Richardson, save and except that he was informed that said Richardson went West for the purpose of giving testimony in an important case then pending in Denver in the State of Colorado. Deponent further says that the said Richardson was well and favorably known among the brokers and speculators in securities, and was not supposed to be engaged in any questionable or dishonorable transactions. Deponent further says that the people who knew said Abijah Richardson were numerous, and are to-day engaged in the brokerage and speculative business in both real and personal lines in the lower part of the City of New York, and that to his knowledge there are at least one hundred (100) people who were well and personally acquainted with said Richardson. Deponent further says that he knows that the said Richardson passed under the name of Joel Peterson, and that he was so known by one, E. B. Carr, who is well and personally known to this deponent. Deponent further says that the above affidavit is made gratuitously, and without any consideration, and for the simple and sole purpose of laying before the Court such facts as are within his power.

Sworn to before me this 5<sup>th</sup>  
day of January, 1895.

*Henry P. Crocker*  
Commr. of Deeds  
N.Y. City & Co.

*George Marshall*

## COURT OF GENERAL SESSIONS.

-----X  
 THE PEOPLE &c,  
 -against-  
 WILLIAM H. SCHOOLEY  
 -----X

City and County of New York.s.s.

WILLIAM O. MOORE being duly sworn deposes and says:

That in addition to the testimony as to the character of the defendant which he gave upon the trial of said action, he desires to say that, notwithstanding the conviction of the defendant, his faith in his honesty is so great that if it is possible for the defendant to continue the practice of his profession he, the deponent, would continue to employ him, the defendant, for the purpose of conducting his legal business and would do all else in his power to aid defendant in

leading an honest life and following his said profession.

*Deponent having been a witness on the trial, special reference to his evidence is herein made*  
 Deponent most respectfully prays that the greatest

clemency may, by the Honorable Court, be extended to the defendant.

Subscribed and sworn to before me :

this 26<sup>th</sup> day of December 1894.

*Henry P. Crocker*  
*Comptroller of Deeds*  
*N.Y. City & Co.*

*William O. Moore*

## COURT OF GENERAL SESSIONS.

-----x  
 THE PEOPLE &c,  
 -against-  
 WILLIAM H. SCHOOLEY.  
 -----x

City and County of New York.s.s.

CHARLES F. RISLEY being duly sworn deposes and says:

That he is engaged in the Wholesale Drug business at  
 #62 Courtland Street in the City of New York, and that he is  
 and has been for the four years last past personally  
 acquainted with the above named defendant, with whom he has  
 had business relations in the past, and that on account of  
 said business relations and the information which he has  
 received from other people who are personally acquainted  
 with the defendant, he most respectfully prays that extreme  
 clemency may be extended, and that this Honorable Court may  
 take into consideration the fact that a sentence would  
 deprive the defendant of the only means or avocation which  
 he is possessed of for obtaining a livelihood, and if it be  
 possible to prevent the disbarment of the defendant that the  
 Court may so do by the exercise of that discretion and  
 clemency which is within its power.

Subscribed and sworn to before :  
 me this 26<sup>th</sup> day of December 1894. :

*Henry P. Crocker*  
*Commr of Deeds*  
*N.Y. City & Co*

*Charles F. Risley*



0878

COURT OF GENERAL SESSIONS.

-----X  
The People &c,  
-against-  
William H. Schooley  
-----X

JOHN O. BACHE being duly sworn deposes and says;

That in addition to the testimony as to the character of the defendant which he gave upon the trial of said action, he desires to say that, notwithstanding the conviction of the defendant his faith in his honesty is so great that if it is possible for the defendant to continue the practice of his profession he, the deponent, would continue to employ him, the defendant, for the purpose of conducting his legal business and that of the Company which deponent represents, and would do all else in his power to aid defendant in leading an honest life and following his said profession. *Deponent having been a witness on the trial, special reference to his evidence is herein made.*  
Deponent most respectfully prays that the greatest clemency may by the Honorable Court be extended to the defendant.

Subscribed and sworn to before me this:

*26<sup>th</sup>* day of December 1894.

*Henry B. Crocker*  
*Commr of Deds*  
*N.Y. City & Co*

*John O. Bache*  
H

COURT OF GENERAL SESSIONS.

-----X  
THE PEOPLE &c.

-against-

WILLIAM H.SCHOOLEY.  
-----X

City and County of New York.s.s.

Ellen M.Van Brunt being duly sworn deposes and says:

That she resides at #226 West 39th Street in the City,  
County and State of New York, and that she is well and  
personally acquainted with the defendant in the above  
entitled cause, and that said defendant has acted as her  
Attorney and Counsellor for some time past, and that he has  
now in his charge and under his custody and control legal  
matters of a personal and delicate character, and that he has  
so far conducted them in such a conscientious, straightforward  
and honorable manner as to command the admiration and respect  
of the deponent; and that deponent believes from her knowledge  
of the defendant that it would be impossible for him to  
commit the crime of which he has been convicted, and that  
notwithstanding said conviction this deponent prays that  
extreme clemency may be extended to the defendant, and if it  
is possible for him to continue in the practice of his said  
profession that this deponent is ready and willing as well  
as desirous to continue employing him to the extent of giving  
him the entire and exclusive control of her law business.

Deponent further says, that she is the widow of the  
late Col.Van Brunt, and that her knowledge of men and their

0000

business methods is such as to enable her to form an opinion as to the honesty and integrity of those people with whom she comes in contact, and that she knows from her business relations and conversations with said defendant that he has been afflicted with a certain impediment in his speech, which may be termed stammering and which renders it somewhat difficult at times to understand what he is saying.

Subscribed and sworn to before : Ellen M. VanBuren  
me this 26<sup>th</sup> day of December 1894. :

Henry P. Crocker  
Comptroller of Deeds  
N.Y. City & Co.

## COURT OF GENERAL SESSIONS.

-----x  
 THE PEOPLE &c,  
 against  
 WILLIAM H. SCHOOLEY  
 -----x

City and County of New York.s.s.

*Suteliff* Rushworth and *Edna* Rushworth both duly and severally sworn deposes and says that they resides at #301 West 30th Street in the City of New York, and bear the relation of husband and wife, and that they are well and personally acquainted with William H. Schooley the above named defendant, and have been for *14* years last past, and know many other people with whom he is acquainted socially and professionally and that said Schooleys reputation for honesty and integrity has always been of the best.

Sworn to before me this, { *Suteliff Rushworth*4 day of January 1895. { *Edna Rushworth*

*J. E. Rousseau*  
*Com of Deeds*  
*N.Y. Co*

COURT OF GENERAL SESSIONS.

-----x  
THE PEOPLE &c,  
-against-  
WILLIAM H. SCHOOLEY  
-----x

STATE OF NEW YORK,  
County of Seneca s.s.

ALFRED B. SCHOOLEY being duly sworn says;

That he is engaged in the Wholesale Grocery business at Seneca Falls in the State of New York, and represents the firm of STOUT, SPENCER & CO. Greenwich Street New York, and that the above named defendant is his brother.

Deponent further says, that he has read the affidavit of Ella E. Dodge hereto attached, verified in New York on the 24th instant, and that of his own knowledge he knows the contents thereof to be true.

Deponent further says, that if it is possible for the defendant to again engage in the practice of his profession he would do all in his power, either by way of influence or financial aid, to enable and cause said defendant to conduct his business as an Attorney and Counsellor at Law in a strictly straightforward, honorable and conscientious manner, and he prays that the extreme clemency deemed just by the Honorable Judge may be extended to the defendant.

Subscribed and sworn to before :

me this <sup>26th</sup> day of December 1894.

*Alfred B. Schooley*  
*George W. Luntz*  
*Notary Public*

## COURT OF GENERAL SESSIONS.

-----x  
 THE PEOPLE &c,  
 -against  
 WILLIAM H. SCHOOLEY  
 -----x

City and County of New York.s.s.

Ella E. Dodge being duly sworn deposes and says;

That she resides with her husband at Waterloo, Seneca County New York, and that she is the sister of the above named defendant, with whom she is and has been well and personally acquainted during her entire life, and that from her close and personal association with him she knows that he has never been charged with any crime, save and except the above.

Deponent further says, that the general character of the defendant and his kind and conscientious treatment of herself, coupled with the statement of numerous clients and friends of the defendant, is and has been such as to lead the deponent to believe that a great mistake has been made by the conviction had in said cause.

Deponent further says, that from her earliest recollection the defendant has been subject to an impediment in his speech which has at all times caused him to hesitate and atammer when engaged in conversation or in answering questions and this fact has always been a source of annoyance to the defendant and the regret of his family and friends.

Deponent further says, that on the 15th day of November 1894, the defendant came to her husbands house for the purpose



of consulting the deponents husband, brother and herself in regard to his case which was then being discussed by the newspapers, and that on the Saturday morning following, he left Waterloo for and with the express purpose of surrendering himself to the District Attorney of New York County and seeking a speedy trial, and deponent knows that the defendant from his conversation and conduct had no idea of shirking any responsibility or evading a trial.

Deponent prays on account of the foregoing and the statements that she has previously made to the Honorable Trial Judge in said cause, that such clemency may be extended as to prevent the defendant from being prohibited from following his profession.

Subscribed and sworn to before me : *Ella E. Dodge.*  
this 24th day of December 1894. :

*Henry P. Crocker*  
*Comme of Deeds*  
*N.Y. City & Co.*

COURT OF GENERAL SESSIONS OF THE PEACE  
IN AND FOR THE CITY AND COUNTY OF NEW YORK.

-----X  
: THE PEOPLE OF  
: THE STATE OF NEW YORK.  
:

-VS-

WILLIAM H. SCHOOLEY  
+  
:  
-----X

City and County of New York.s.s.

HENRY P. CROSHER, being duly sworn, deposes and says:

That he is engaged in the Patent Medicine business, and that he was a witness for the defendant in the above entitled action as to his character, all of which he then testified to being hereby reiterated and reaffirmed; and that he is and has been personally acquainted with the defendant for the period of seven years and upwards, and that during said time defendant has acted as Attorney and Counsellor at Law for the deponent in numerous instances and has transacted all of deponent's legal business, as well as that of many friends of deponent; and that during all of the said time the defendant has so conducted the business for and in behalf of this deponent and his many friends as to receive the hearty commendation and approval of himself and friends; and that from personal knowledge of deponent the defendant has at all times been conscientious, painstaking and careful in the conduct of said business.

Deponent further says that he knows of his own knowledge that at all times since the 10th day of August 1891, the defendant has been engaged in the pursuit of his profession

and has at no time endeavored or attempted to evade any writs or process of the law that may have been had or issued against him; and that deponent makes this statement for the reason that during said period he has seen the defendant almost daily, and has at all times known where his office was and the nature and character of the business in which he has been engaged, having become so much interested in the welfare of the defendant as to treat and consider him as a personal friend.

Deponent further says that on or about the 13th day of November 1894, he saw an article published in the "New York World", the substance of which was also published in the "New York Herald", in regard to said William H. Schooley in connection with the offence charged in this action, and that deponent saw the defendant who called upon him on the evening of the 14th day of the same month and who consulted with him in regard to the same; and that on the morning of the 15th day of the same month the defendant left this deponent for the purpose as then expressed by him of going to Seneca Falls and Waterloo, in Seneca County, State of New York, to see his friends and relatives and to make arrangements for the purpose of securing as speedy a trial as it were possible to do upon the charge alleged against him; and that thereafter on the morning of the 18th day of the same month the defendant came to the house of the deponent and stated that he had made all necessary arrangements and wished to secure a trial as soon as the same could be had upon the indictment against him; and that in accordance with the

request of the defendant then made this deponent called upon the Counsel for the defendant, R.J. Haire Esq:-, at #328 West 30th Street and requested him to see the defendant and that deponent in company with said Haire returned to the house of this deponent where defendant then was, and that after having discussed the case in all its bearings so far as the defendant stated that he understood the same, it was then and there expressly agreed and understood by and between the defendant and his said Attorney, R.J. Haire Esq:- that on Monday morning following at the hour of 11 o'clock said defendant would in company with said Haire go to the Court of General Sessions and surrender himself and submit himself to the jurisdiction of said Court and ask for a trial upon the merits of said action, at which time and at all times when the defendant conversed with or consulted with the deponent the defendant declared his innocence.

Deponent further says that he was present at the time of the interview between the defendant and his said Counsel herinbefore named, which took place between the hours of 12 and 2 o'clock on the said 18th day of November 1894, and that it was then expressly understood that the defendant was to meet his said Counsel and surrender as hereinbefore stated, and that during a portion of said time deponents wife was present and listened to the conversation then had in regard to the subject; but that notwithstanding the fact that defendants Counsel then advised him (the defendant) to keep away from the windows and under no circumstances to expose himself to public view, at about the hour of 10 o'clock in the

0000

evening of said day the officers called at deponents house and insisted that the defendant was there; and that deponent then remembering the understanding had between the defendant and his Counsel sought to convince the officers that they were mistaken; nevertheless said officers did then and there insist upon searching deponents house and they did then and there arrest the defendant in the manner and form as described by Officer Vallely, who was a witness at the trial of above entitled action.

Deponent further says that notwithstanding the conviction of the defendant herein and all the facts and circumstances attending the same, deponent having been an attendant during said trial, he the deponent still has an abiding faith in the honesty and integrity of the defendant to such an extent that if it is or were possible for the defendant to continue the practice of his profession, this deponent would still intrust him with his business, believing from his experience in the past that the same would be properly, honestly and honorably conducted.

And on account of the forgoing the deponent asks that the extreme clemency of this Court be extended to this defendant and if it be possible to pronounce such a sentence as will not disbar him from continuing the practice of his profession that the same may be done.

Deponent further says that there is nothing within his power which he could do that he would not do for the purpose of enabling the defendant to continue in the practice of the honorable and learned profession of which the defendant is

a member

Subscribed and sworn to before  
me this 31<sup>st</sup> day of December 1894.

*Henry P. Crocker*  
*Russell*  
*com of Dec 1894*

City and County of New York.s.s.

ANNIE B.CROSHER being duly sworn says: that she is the wife of the foregoing deponent; that she has read the foregoing affidavit subscribed by Henry P.Crosher,her husband,and that so far as the arrangements made on the 18th day of November,1894,at her residence,for the surrender of the defendant William H.Schooley are concerned,she knows the same to be true of her own and personal knowledge,she at that time being present.

Subscribed and sworn to before  
me this 3<sup>rd</sup> day of December 1894.

*Annie B. Crosher*

*J. B. Rousseau  
Comm. of Deeds N.Y.C.*



COURT OF GENERAL SESSIONS OF THE PEACE,  
IN AND FOR THE CITY AND COUNTY OF NEW YORK.

.....  
THE PEOPLE OF THE  
STATE OF NEW YORK,  
vs.  
WILLIAM H. SCHOOLEY.  
.....

City and County of New York, ss.

ROBERT J. HAIRE, being duly sworn, deposes and  
says:

That he met the defendant and knew of him for the first time on or about the first day of July, 1894, upon which occasion the defendant then consulted this deponent in regard to the charge then pending against him in connection with the above entitled action; and that the defendant then stated to the deponent that he had been indicted and that said cause had been upon the calendar for trial, but that he the defendant had no knowledge that the same was upon the calendar until the day following, having received no notice from his bonds-woman, but that thereafter he had made inquiry or caused the same to be made and that he learned that the bond had been forfeited, and that he the defendant then stated to this deponent that he was not possessed of a great deal of means, but that as soon as he was able to secure a sufficient amount of money with which to employ counsel he desired to have the case disposed of, defendant then stating that he was absolutely innocent and had no knowledge

whatever of the facts in regard to the larceny of the bonds or their alteration, and that at the time he received and disposed of the same he supposed that said bonds were rightfully owned and in the rightful possession of one Joel Peterson whose name he subsequently learned to be Abijah Richardson, and that deponent then advised as a Counsellor at Law that the defendant should not do anything to cause his imprisonment or incarceration in connection with said matter until such time as he was ready and fully prepared to enter upon his defence.

Deponent further says that shortly after the conversation above referred to he learned from the defendant himself that he was residing upon the same street and in the same block where this deponent resides, and that he saw the defendant almost daily from that time until the 14th day of November 1894,

Deponent further says that he not only saw the defendant in said block where he resides but frequently saw him upon the street car, and met him at the Supreme Court Chambers and in the City Court of the City of New York, and of his own personal knowledge knows that he was engaged in the pursuit of his profession in the various Courts in the City of New York, and that the defendant upon several occasions in conversation with this deponent referred to his case and said that he was anxious to have the same disposed of at the earliest date possible, and that the deponent advised the defendant to make no effort to bring the same to trial until such time as he was fully prepared and had ample time to

attend to the same .

Deponent further says that on Sunday the 18th day of November about 12 o'clock on said day he was called upon at his residence by Mr. Henry P. Crosher who was then a stranger to this deponent and requested to go to the residence of said Crosher for the purpose of seeing the defendant in above entitled action and that deponent then accompanied by said Crosher went to his residence at #326 West 48th Street and there saw the defendant and had a consultation with him for the period of an hour and half or thereabouts, at which time it was agreed by and between the defendant and this deponent that upon the day following the defendant in company with deponent was to go into the Court of General Sessions and surrender himself, and that this was brought about on account of the publication of certain articles in the newspapers in which it was charged that the District Attorney of the City of New York had been grossly negligent in failing to prosecute the said William H. Schooley, and charging that the said Schooley had been in reality a fugitive from justice notwithstanding the fact that he had appeared almost daily as an Attorney in the various Courts in the City of New York and Brooklyn.

And deponent further says that unfortunately some newspaper reporter learned of the whereabouts of the said Schooley and caused his arrest by an officer of the law upon the evening of the 18th day of November, and thereby prevented the said Schooley from <sup>et</sup>surrendering in open Court

as it had been expressly agreed and understood that he should do.

Deponent further says that after the arrest of the said Schooley as above stated on the 18th day of November he made an investigation in regard to the facts and circumstances in connection with the sale of the bonds mentioned in the indictment, and that he learned in connection with said investigation that said bonds had been offered for sale by one Abijah Richardson to one Perrin H. Sumner a short time previous to the time when they were traced to the possession of the defendant, and that the person then offering them was well known not only to the Brokers on Wall Street but to the real estate dealers and speculators in the lower part of the city as Abijah Richardson, and that the said Abijah Richardson was a man of fine address and appearance and affable in conversation to such an extent that he could secure and for years had held the confidence of many reputable brokers, real estate dealers and bankers in the City of New York.

Deponent further says that he learned these facts from persons who are absolutely unknown to the defendant and he further learned that the said Abijah Richardson possessed the confidence of reputable business men to the extent that he was enabled to sell any securities through other parties which he might possess without difficulty and without being questioned, and that the people with whom he dealt did not consider or have any intimation that he was other than an honorable and straightforward man.

Deponent further says that during his investigation he learned that the said Abijah Richardson left the City of New York about 18 months ago for the purpose of going to the

City of Denver to testify as a witness in a case which was then pending at that place wherein one Cheney a banker in Jerseyville, State of Illinois, was interested, since which time the said Richardson who was known to several people here as Joel Peterson has not been heard of, and his whereabouts from that day to this are unknown to any person or persons in the City of New York as far as this deponent was able to ascertain.

Deponent further says that he is informed by a reputable Attorney and Counsellor at Law that a few months after the sale of these bonds as disclosed by the evidence of Walsh & Son and White, Morris & Co. by the defendant that the said Abijah Richardson said to said attorney that the defendant had sold for him certain bonds and that he the defendant might get into trouble in regard to the same, but that if he did he was not to worry about the matter, because it was alright, thereby showing that while the man Abijah Richardson or Joel Peterson had certain knowledge or information which lead him to believe that said bonds were not what they ought to be or that there was something wrong in connection therewith, that he the said Abijah Richardson or Joel Peterson had never at any time communicated the fact to defendant and did not then trust him sufficiently to go to him in person with said fact, but instead of so doing had go to said attorney in regard to same.

Deponent further says that owing to the nature of the charge and the interpretation of the law in accordance with the decision of the learned trial Judge the defendant was

unable upon the trial of said case to present these facts to the Court and Jury as they should now be understood by the Court before pronouncing sentence.

Deponent further says that so <sup>le</sup>gentmanly and adroit was the appearance and statements of the said Abijah Richardson or Joel Peterson that there is now a Banker who has stated to this deponent under the pledge that his name shall not be revealed "that the said Abijah Richardson procured a loan upon bonds of the face value of twelve thousand dollars amounting to seven thousand dollars, and that said bonds were forged, although at the time of inspecting the same and making the loan said Banker exercised ordinary care and discretion in such matters but was unable to discover but what the same was genuine in all respects".

Subscribed and sworn to before  
me this 31<sup>st</sup> day of December 1894.

*J. P. Russell*  
*Com. J. A. A. S.*  
*M. J. A.*

*R. J. Hain*  
*H*



0896

Police Court,

1 District.

(1853)

City and County } ss.  
of New York.

of No.

occupation.

that on the

Place in the County of New York

Street, aged

51

years,

being duly sworn, deposes and says,

1890, at the City of New

Ellen M. Gay  
14<sup>th</sup> day of September  
Washington D.C.

at premises 1519 A Street N.W.  
was taken stolen and carried  
away property consisting of  
Four bonds of the St Louis  
and Iron Mountain Rail Road  
Company (Arkansas Branch) for  
together of the par value of four  
thousand dollars by a party  
or parties to her then unknown.  
Deponent now charges one  
William H. Schooley with the  
crime of Forgery for the following  
reasons to wit: that Deponent  
after the theft of said property  
was and is informed by one  
James Walsh of No 5 Wake Street  
a money broker that on or about  
12<sup>th</sup> day of August 1891 he purchased  
from said Schooley a Bond  
of the St Louis and Iron  
Mountain Rail Road Company  
(Arkansas Branch) for  
said Schooley the sum of  
Twenty Hundred dollars, that said  
Bond purported to be numbered  
271. Deponent now says that  
she has seen the Bond so  
purchased and identifies it  
as one of the four bonds stolen  
from her premises in Washington  
and further says the bond so  
identified originally bore the number  
437 which has been erased  
and changed to the number

271. Defendant therefore charges said Schooley with the alteration and erasure of the true number and substituting a false one so that the Bond could be negotiated and further that Defendant can prove the fact by witnesses and photographs. Illustration which is made a part of this complaint.

Ellen M. Gay.

Sworn to before me  
this 23<sup>rd</sup> day of August 1895.

*[Signature]*  
John J. [unclear]

0898

(1885)

Sec. 198-200.

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

*William H. Schooley*

being duly examined before the undersigned according to law, on the annexed charge, and being informed that it is his right to make a statement in relation to the charge against him, that the statement is designed to enable him if he see fit to answer the charge and explain the facts alleged against him that he is at liberty to waive making a statement, and that his waiver cannot be used against him on the trial.

Question. What is your name?

Answer.

*William H. Schooley*

Question. How old are you?

Answer.

*53 years*

Question. Where were you born?

Answer.

*MS*

Question. Where do you live and how long have you resided there?

Answer.

*454 W 36*

Question. What is your business or profession?

Answer.

*Lawyer*

Question. Give any explanation you may think proper of the circumstances appearing in the testimony against you, and state any facts which you think will tend to your exculpation?

Answer.

*I am not guilty*  
*W. H. Schooley*

Taken before me this

day of

189

Police Justice.

0899

CITY AND COUNTY }  
OF NEW YORK, } ss.

James Walsh  
aged 56 years, occupation Money Broker of No. 5 Wall Street, being duly sworn, deposes and  
says, that he has heard read the foregoing affidavit of Ellen M. Gay  
and that the facts stated therein on information of deponent are true of deponent's own  
knowledge.

Sworn to before me this, 43  
day of August 1893

James Walsh  
Police Justice.

0900

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named Defendant

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of Twenty Hundred Dollars, and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

Dated, Aug 24 1893

James H. [Signature] Police Justice.

I have admitted the above-named \_\_\_\_\_  
to bail to answer by the undertaking hereto annexed.

Dated, \_\_\_\_\_ 189 \_\_\_\_\_

\_\_\_\_\_  
Police Justice.

There being no sufficient cause to believe the within named \_\_\_\_\_  
guilty of the offense within mentioned, I order h \_\_\_\_\_ to be discharged.

Dated, \_\_\_\_\_ 189 \_\_\_\_\_

\_\_\_\_\_  
Police Justice.

090

74

1870

906

1834

Police Court---

District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Ellen M. Gay  
vs.  
William H. Schooley

2  
3  
4

Offense

BAILED, on order and return of *Deputy*  
No. 1, by *Eva M. Rapp*  
Residence *1029 Erie* Street.

No. 2, by  
Residence Street.

No. 3, by  
Residence Street.

No. 4, by  
Residence Street.

Dated *August 23* 189*3*

*Magistrate.*

*Officer.*

*Precinct.*

Witnesses *James Walsh*

No. *5* Street.

*Guy Phillips*

No. *195* Street.

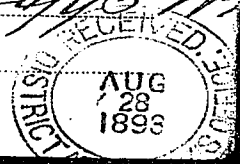
*ch 241*

No. Street.

\$ *2000* to answer *GIS*

*1500 ex Augh 24/93*

*241*





0902

Police Court—

District.

1912

Affidavit—Larceny.

City and County } ss.  
of New York,of No. *Astor House* *Ellen M. Gay*  
occupation *W. dow* *J. Silas Rogers* *co.* Street, aged *51* years.deposes and says, that on the *14<sup>th</sup>* day of *December* 189*9* at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in *day* time, the following property, viz:

*4*  
*Four bonds of the St Louis*  
*and San Francisco Railroad Co.*  
*(Arkansas Branch) (7%) numbered*  
*735, 736, 737 & 739. Together of the*  
*value of Four thousand Dollars*  
*at par*

the property of

*Deponent*

and that this deponent  
 has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen  
 and carried away by *William T. Schooley* from

*the fact that on said date the*  
*above mentioned property was*  
*stolen from her premises 1510*  
*W. Street, N.W. Washington D.C.*  
*by persons to deponent unknown*  
*at the time. Deponent now says*  
*that she is informed by James*  
*Malach of 50 Wall St N.Y. City -*  
*that on or about the 1<sup>st</sup> day of*  
*October 1891 he purchased from*  
*David Schooley, a bond of the*  
*St Louis and San Francisco*  
*Rail Road Co. (Arkansas Branch)*  
*7%, and that the same perpetuated*

Sworn to before me, this

189*9*  
day

Police Justice.

0903

to be numbered 271, and that  
 subsequently he (Walsh) negotiated  
 said Bond in the open market.  
 Klommet is further informed that  
 upon a careful examination of the  
 Bond bought of Schooley it shows  
 that the number 737 had been  
 altered and changed to 271, and  
 that the Bond was one of those  
 stolen from her premises in  
 Washington in December 1890.

Ellen M. Gay.

Sworn to before me this  
 22 day of August 1893

*[Signature]*  
 John Justice

0904

(1885)

Sec. 198-200.

District Police Court.

CITY AND COUNTY } ss.  
OF NEW YORK }

*William H Schooley* being duly examined before the undersigned according to law, on the annexed charge, and being informed that it is his right to make a statement in relation to the charge against him, that the statement is designed to enable him if he see fit to answer the charge and explain the facts alleged against him that he is at liberty to waive making a statement, and that his waiver cannot be used against him on the trial.

Question. What is your name?

Answer. *William H Schooley*

Question. How old are you?

Answer. *35 years*

Question. Where were you born?

Answer. *MS.*

Question. Where do you live and how long have you resided there?

Answer. *454 W 36th St.*

Question. What is your business or profession?

Answer. *Lawyer*

Question. Give any explanation you may think proper of the circumstances appearing in the testimony against you, and state any facts which you think will tend to your exculpation?

Answer. *I am not guilty -*  
*Wm H Schooley*

Taken before me this

day of *Aug* 189 *7*

Police Justice

0905

CITY AND COUNTY }  
OF NEW YORK, } ss.

*James Walsh*  
aged 56 years, occupation Money Broker of No. 5 Wall Street, being duly sworn, deposes and

says, that he has heard read the foregoing affidavit of Ellen M. Gay  
and that the facts stated therein on information of deponent are true of deponent's own  
knowledge.

Sworn to before me this, 26

day of August 1893

*James Walsh*

*James M. Martin*  
Police Justice.

0906

1347

Sec. 151.

Police Court 1 District.

CITY AND COUNTY } ss. *In the name of the People of the State of New York; To the Sheriff of the*  
 OF NEW YORK, } *County of New York, or any Marshal or Policeman of the City of New York:*

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police Justices for the City of New York, by Ellen M. Say  
 of No. 15th Avenue (St. Regis) Street, that on the 14 day of December  
 1890, at the City of New York, in the County of New York, the following article, to wit:

Your Bonds  
 of the value of Your Bonds Dollars,  
 the property of Comptroller  
 was taken, stolen and carried away, and as the said Complainant has cause to suspect, and does suspect and believe, by William M. Schooley

Wherefore, the said Complainant has prayed that the said Defendant may be apprehended and bound to answer the said complaint.

These are Therefore, in the name of the PEOPLE of the State of New York, to command you the said Sheriff, Marshals and Policemen, and every of you, to apprehend the body of the said Defendant and forthwith bring him before me, at the 15th DISTRICT POLICE COURT, in the said City, or in case of my absence or inability to act, before the nearest or most accessible Police Justice in this City, to answer the said charge, and to be dealt with according to law.

Dated at the City of New York this 14 day of August 1890

William M. Schooley  
 POLICE JUSTICE.

0907

Police Court.....District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

vs.

Warrant-Larceny.

Dated.....189

Magistrate.

*Rogers & Kusk* Officers

The Defendant

taken, and brought before the Magistrate, to answer the within charge, pursuant to the command contained in this Warrant.

*Rogers & Kusk* Officer

Dated.....189

This Warrant may be executed on Sunday or at night.

Police Justice.



It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named Chas. Clark

guilty thereof, I order that he be held to answer the same, and he be admitted to bail in the sum of Twenty Hundred Dollars, and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

Dated, Aug 22 1893

*Police Justice.*

*I have admitted the above-named.....  
to bail to answer by the undertaking hereto annexed.*

Dated, \_\_\_\_\_ 189

*Police Justice.*

*There being no sufficient cause to believe the within named.*

*guilty of the offense within mentioned, I order h to be discharged.*

*Dated,*.....189

## *Police Justice*

0909

BAILED, Nov 10/93  
No. 1, by Eva M. Rapp  
Residence 1029 E 13<sup>th</sup> Street.  
No. 2, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.  
No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.  
No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

74  
Police Court--

906  
District

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Ellen M. Gay  
vs.  
William H. Schooley  
Dated Aug 28 1893  
Magistrate  
Kroger's  
Precinct

Witnesses

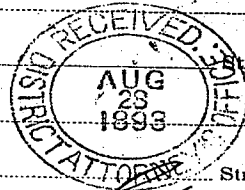
No. \_\_\_\_\_ Street.

No. \_\_\_\_\_ Street.

No. \_\_\_\_\_ Street.

No. \_\_\_\_\_ to answer

2000  
1500  
24/93 1 P.M.



N O T E.

*Exhibit 1*

Notwithstanding the fact that the temporary stay was granted upon an order made January 7, 1895, no inferences should be had as against the defendant, owing to the fact that the hearing upon the motion for a permanent stay until the 30th., of April, 1895, was at the instance and request of the District Attorney. Another point which it seems proper to us, for the Court to consider, is the fact that the case is now regularly upon the Calendar of the General Term, to be argued the first week in June, and no great harm can be done by continuing the stay until that time, and it seems no more than just to the defendant to grant it upon this, if not on other grounds, for the reason that he has, at all times, been ready and willing to submit to this Honorable Court the question of a permanent stay. *The case is printed and I herewith hand you copy.*

Most respectfully submitted by,

*R. J. Hair*  
 Attorney for Defendant and Appellant.

*W. J. May 14/95*

I have taken the liberty of submitting a copy of the Brief, prepared for the General Term,

R. J.H.

Fol 1.

Supreme Court of the State of New York.

General Term----- New York County.

.....  
The People of the State of New York,

Respondents,

--vs.--

William H. Schooley,

Appellant.  
.....

Brief of Appellant.

#### S T A T E M E N T.

2. The defendant, William H. Schooley, who was convicted of the crime of receiving stolen goods, a lawyer, 55 years of age, and engaged in active practice since the year 1865, (see page 255, Folio 1019) and with an unsullied reputation, (see pages 241, 252, 312, 251 and 247,) was indicted by the Grand Jury of the City of New York, charged with grand larceny in the first degree; the goods said to have been stolen consisting of four bonds of the St. Louis and Iron Mountain Railroad Company, and of the par value of \$1,000. each.

The second count charged the defendant with the crime of receiving the said bonds, knowing the same to have been stolen, (see pages 2 and 3).

3. The larceny was committed in the City of Washington on the 14th day of December, 1890, a place which the defendant had never visited, (see page 5, Folio 19; also page 258, Folio 1029). At the beginning of the trial "all the counts of larceny were withdrawn, and the question of receiving stolen goods, knowing them to have been stolen" was alone submitted. (see page 5, Folio 18.)

2.

It was claimed on the part of the prosecution, and admitted by the defense, that the bonds or one of them was in the possession of the defendant at the City of New York on the 10th day of August, 1891, --- eight months lacking four days after the commission of the larceny at Washington, D.C.

4. No claim was made by the prosecution, or even intimated by the evidence, that the defendant was in any wise connected with the larceny of said bond, or that he had ever been in the City of Washington, or that he had ever been seen in the company ~~of~~, or connected with any person connected with or supposed to have been connected with the larceny.

The first bond found in the possession of the defendant, Schooley, was presented by him to James Walsh & Son, at #5 Wall street, City of New York, for sale, on the 10th day of August; was purchased by said James Walsh & Son after having been in their possession, during the interval, on the 12th of the same month, (see pages 75, Folio 297 and 364, Folio 1455), and the defendant was introduced to the brokers who purchased the other three bonds, White, Morris & Co., by a reputable banker doing business on Nassau street, (see page 39, Folio 155).

5. There was nothing unusual in the manner of offering for sale, or conducting the sale of said bond, and it, as the other three, was carefully examined by the brokers purchasing the same, and left in their possession, with every appearance of good faith, and the sale was conducted and consummated in the usual manner in connection with such transactions, (see cross-examination of Broker Morris, page 49, Folios 194 to 206 inclusive; also page 86, Folios 341--342). At the

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6. time of the sale of the first bond, the broker received and retained in his possession from the defendant a Power of Attorney signed "Joel Peterson", (People's Exhibit A2, page 370), and also a receipt, (People's Exhibit A, page 368); and a few days thereafter, for the money paid to "Joel Peterson" by the defendant, Powers of Attorney were also delivered to the other brokers from the defendant at a subsequent time when the same were asked for by said brokers. There is no direct evidence, and no claim is made by the prosecution that there was evidence showing, or tending to show, that the defendant possessed guilty knowledge, and the prosecution relied entirely upon the circumstances connected with the sale of the said bonds, for the purpose of showing that he knew the same were stolen.

7. The evidence that the owner of the bonds at the time of their larceny disclosed the fact that the numbers upon the same had been erased, and other numbers stamped or impressed upon the same, some time after their larceny, and before found in defendant's possession, and the names of certain persons endorsed upon said bonds had also been changed, (see page 6, Folios 20 and 21), although there was no evidence of any description to show when said alterations were made, or by whom, and so perfect was the manner of the forgery that the brokers, using all ordinary care, did not discover said forgery, and as a matter of fact the Railroad Company itself paid some of the coupons upon which the numbers had been forged, thus showing that the forgery was of such a clever character as to even deceive experts, and there was no

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9 claim that the defendant knew of the forgeries. At the time the prosecution placed upon the witness stand the experts Ames and Carvalho for the purpose of establishing the fact that the defendant had signed a fictitious name, and committed a forgery (as to the Powers of Attorney), it was aware that the same (purporting to have been executed by one "Joel Peterson", directing and empowering the defendant to sell said bonds), was and for a long time had been in its possession, and by it offered in evidence, the same being People's Exhibits A2, Y, Z, and X, pages 370 to 375, and that the Notaries Public who took the acknowledgement of the same were known to the prosecution, and had been at the prosecutor's office, (see pages 210, Folio 839), in regard to the acknowledgements attached to said Powers of Attorney, and had stated that they, the Notaries Public, had taken such acknowledgements, and that the party acknowledging the same and signing the same was a person other than that of the defendant, (see page 205, Folios 817 and 818; also page 210, Folios 836 and 839).

10 It was claimed by the prosecution in the beginning of the case that "Joel Peterson" was a myth, and that the defendant himself had forged or signed the name of Joel Peterson to the various Powers of Attorney, and it was under this claim that the Judge allowed the prosecution to introduce the evidence of experts to show that the four signatures attached to the four separate Powers of Attorney were made by the defendant himself, although at that time the prosecution well knew that four reputable men, members of the profession, had taken the acknowledgements of a person other than that of

5.

1311. the defendant to the said instruments, and that in two instances a person other than the defendant had signed the same.

This evidence on the part of the experts having gone before the jury was not stricken out, and was admitted in opposition to the objection of the defendant's counsel, and made a basis of a motion at the close of the People's case, (see page 191, Folio 765 and 770 inclusive), and renewed at the close of the trial, (see page 363, Folio 1415); and it can hardly be claimed that it was not damaging to the defendant, and affected the minds of the jury upon the general result.

12 The prosecution reluctantly, near the end of the trial, abandoned the claim of forgery, and admitted the signing of the papers and the execution of the same by the said "Joel Peterson", (see page 364, Folio 1453).

It was also shown by the testimony of the witness, Perin H. Sumner, (see page 222, Folio 884; page 360, Folios 438 and 439), although he was known to the defendant only by the name of "Joel Peterson", having been introduced to him but a short time previous to the 10th of August, (see page 259, Folios 1034 and 1035), that the man "Joel Peterson" was known by other names, (see the testimony of Ambrose H. Purdy, page 360, Folios 438 and 439).

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# ERRORS DURING THE TRIAL.

-----ooooo ooooo-----

Notwithstanding the fact that the defendant was charged only with the crime of receiving stolen goods, knowing the same to have been stolen, the learned trial judge, in the opinion of the defendant's counsel committed error in permitting Robert Ogden Doremus, an expert in chemistry, (pages 21 to 36) to be placed upon the witness stand for the purpose of testifying as to the erasure of the names and numbers originally upon the bonds and the substitution of other numbers, subject to the objection and exception of the defendant's counsel, and it is claimed on behalf of the defendant inas much as the defendant is not charged with forgery, and no evidence having been introduced showing any knowledge on his part of the forgery or forgeries having been committed, that no proof of forgery should have been introduced.

14.

The Court further erred by permitting the last named witness to make chemical experiments and bring to light and exhibit to the jury (see pages 28, Folios 110 and 115 inclusive), the numbers and names originally upon said bonds by means of the application of certain chemicals. (See evidence of Professor Doremus, page 30, and exceptions taken to said evidence, and motion made to strike out the same,--- page 25, Folios 98, 99; page 27, Folios 105 and 106, and objection to the experiment in the presence of the jury, page 29, Folios 114, 115, 116 and 117; also page 31, Folios 122 and 123; page 33, Folio 130.)

15.

Another error was in permitting the experts Ames and Carvahlo, (see pages 172 and 177; also pages 113 to 124 and

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165) to testify to the effect subject to the exception and objection of the defendant, (see pages 117, Folios 464, 466, 467, 472, 474, 476 and 477), that in their opinion the signatures to the Powers of Attorney were written by the defendant, after comparing the same with a receipt written by the defendant (see page 115, Folio 459). This was error in the first place, because it was giving the opinion of an expert, where positive and direct proof, (see testimony of Notaries Public, pages 168, 204, 209, 193,) could be given as to the party by whom the same were signed and executed, the evidence being not the best within the reach and knowledge of the prosecution.

Second: it was secondary in character.

Third: notwithstanding the fact that the defendant established by the Notaries Public that said Powers of Attorney were executed by a different person than the defendant, it cannot be claimed but that the testimony of the witnesses, Ames and Carvahlo, having once been submitted to the jury had a tendency to prejudice them as against the defendant.

270 The learned Court erred again in permitting James F. Vallely, (see pages 181 to 186) to testify in regard to the absence of the defendant from the jurisdiction of the Court, for the purpose of showing that he was trying to avoid trial upon the above indictment, and although the Court subsequently struck out the evidence of the said Vallely, (see page 192, Folio 764), nevertheless it cannot be claimed that it had no effect upon the jury, prejudicial to the interest of the defendant.

8.

18. The Court also committed error in permitting the witness Charles McGroarty, (see pages 187 to 188) to testify as to the movements of the defendant upon a certain day, and it was also error to permit the said witness to testify, and of the learned Court to refuse to strike out said testimony, (see page 188, Folio 751.)

Another error which seems to be of most vital importance, committed on the part of the learned trial Judge, was his refusal to dismiss the indictment and direct a verdict of "not guilty", when the People's case rested, in accordance with the motion of the defendant's counsel, (see page 192, Folios 766, 770, inclusive); and at the same time defendant's counsel moved to strike out the testimony of Professor Doremus in regard to the forgery (see page 192, Folio 764), when the People's case rested.

19. The proceedings following we quote verbatim from pages 192 and 193 of the record.

COURT: "I will strike out the entire testimony of Officer Vallely, and I will tell the jury to disregard it."

Mr. HAIRE: "I move to strike out all the testimony that was given in regard to the alteration or forgery of the bonds. I refer particularly to the testimony of Professor Doremus".

THE COURT: "Which motion is surely denied".

Mr. HAIRE: "Give me the benefit of an exception, Your Honor".

THE COURT: "The prosecution has to show a larceny. It is some evidence going to show that the bond had been tampered with. It is a question whether or not there had

20.

been a larceny. This defendant could not have received stolen goods, if they were not stolen.

Mr. HAIRE: "I move that Your Honor instruct the jury to return a verdict of "not guilty"; first and foremost upon the ground that there is within reach, as appears by the evidence already introduced, witnesses whose testimony cannot but be material, --- of Notaries Public who took the acknowledgements of these various papers, and that it is the duty of the prosecution to introduce such evidence as will throw any additional light upon the transaction. So far as the rule extends, in some States it is mandatory in its character. It seems to me that the practice would warrant the Court in saying to the People, in a case where a man's liberty is at stake, whenever during the trial the evidence discloses that there are material witnesses, that the People should be compelled to put those witnesses upon the stand, rather than to say that the defendant must call them. In other words, that the People should be bound, by all the rules of practice, to introduce any witness that could throw any additional light upon the transaction in connection with which the crime is alleged to have been committed. "

21

THE COURT: "It is not the practice that has been adopted by the statute in this State. The motion of course must be denied.

22.

Mr. HAIRE: "I desire to call Your Honor's attention to



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this proposition: that the defendant should not be put upon his defense for the further reason that no guilty knowledge has been shown, and that it is incumbent upon the People, where a man is charged with receiving stolen goods, to show that he knew them to be stolen".

23. THE COURT: "The only suggestion that I can make as to that is that it is, of course, an impossibility to so look into a man's mind as to determine what may be transpiring therein. The only light that can be thrown upon it is the light of facts and circumstances. It is for the jury to say whether the circumstances were such as to satisfy them that the property was knowingly received. I will deny the motion."

Mr. HAIRE: "Your HONor will give me the benefit of an exception?"

THE COURT: "Certainly; upon all the grounds."

#### OPINIONS OF EXPERTS.

---0000---

The opinion of a witness should be used only for the purpose of enabling the jury to ascertain the facts, whether direct evidence or a statement of the facts as they actually existed cannot be ascertained.

24. Thus, "when the plaintiff was able to help herself, and at what point she required assistance to do what was necessary to be done, it was held to ask for facts, and not mere opinions".

Sloan vs. N. Y. central R. R. Co., 45 N. Y. 125.

11.

25 "Witnesses must testify to facts, and not opinions, and they must state only facts, and not draw conclusions or inferences."

Pinder v. Kings County Fire Ins. Co., 36, N. Y. 648;

Heath v. Slocum, 115 Pa., St., 549;

Abbott v. The People, 86, N. Y. 460;

People v. Murphy, 101, N. Y., 126;

26 Sloan v. New York Central R. R. Co., 45 N. Y., 125.

In order to ask for an opinion from the expert "it must be impossible to give the jury or Court a fair and intelligible understanding of the matter in controversy" by direct proof.

American and English Encyclopaedia of Law, Vol. 7, page 492.

Whittier vs. Town of Franklin, 46 N. H., 23;

Knoll v. State, 55 Wis., 249.

When an expert is allowed to give an opinion, it is an exception and not the general rule; the latter required witnesses to testify to facts, and not to give their individual opinion.

27 "The person who had witnessed the transaction could most probably form an idea on the subject that could be relied upon with safety".

Stewart vs, State, 19 Ohio, 302.

In order to permit a witness to give his testimony, it must be evident that it is the best evidence of which the nature of the case will permit, and where nothing more than an opinion can be obtained.

State v. Folwell, 14 Kan. , 105.

12.

"Opinions are never received if all the facts can be ascertained and made intelligible to the jury".

Clark v. Fischer, 1 Paige, N. Y., 171;

S. C., 19 American, Am. Dec., 402;

Stowe v. Bishop, 58 Vt., 498.

28.

"The ordinary affairs of life cannot be the subject of experts' testimony".

Higgins vs. Dewey, 107 Mass., 494.

"Matters concerning which the jury can form an opinion as intelligently as can the witness, are inadmissible".

Neilson v. Chicago, Etc. R. R. Co., 59 Wis., 516;

S. C., Watson vs. Milwaukee R. Co., 57 Wis., 382.

"The value of expert testimony in handwriting is but slight".

Borland vs. Wolrath, 33, Iowa, 130;

Whitaker v. Parker, 42 Iowa, 385;

Mutual Benefit Life Ins. Co., vs. Brown, 30 N. J. Eq., 193.

29.

Even in the ecclesiastical courts it is held "to be very inconclusive".

Robson vs. Rocke, 20 Adams, 53 --- 79.

"The finding of the jury will be reversed if against the weight of the evidence." Thus where ten witnesses were equally competent and credible, and one testified that the handwriting was genuine, and nine testified it was not, the verdict sustaining the genuineness of the writing would be set aside as against the weight of evidence.

Belle vs. Shields, 4 Harr. (19, N. J. L.) 93.

In the case at bar at least two witnesses testified as to

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20. seeing the signatures attached to the Powers of Attorney by a person other than that of the defendant; that the evidence of the two experts in handwriting was admitted, knowing that this direct proof was within reach, for the purpose of establishing the fact that the defendant forged the signatures. "A case in point is where one witness who was acquainted with the party's writing, testified that it was genuine, and there was no other evidence, and the jury found the writing a forgery, and the verdict was set aside.

Cooke vs. Smith, 30, (N. J. L.), 387; see also Olmsted vs. Stewart, 13 Johns, (N. J. L.) 238.

31. It is a well known presumption of law that every instrument executed or attested by an official officer is presumed to be correct, and in the case at bar the prosecution should have been estopped from attacking the validity and execution of the Powers of Attorney by witnesses upon handwriting, when said Powers of Attorney under signatures and seal of the various Notaries Public, (see People's Exhibits A2, Y, Z and X) were available. Special reference is directed to objection and exceptions of the counsel to the rulings of the Court, (see page 117, Folios 464 and 467 inclusive.) As an illustration, take the testimony of John G. Ritter, (pages 205 and 206, Folios 819 to 822 inclusive), said Ritter being the one who took the acknowledgement of the Power of Attorney, (see People's Exhibit Z), and the testimony disclosed the fact that Mr. Ritter not only saw Joel Peterson attach his signature to the Power of Attorney, but that he, the witness, took his acknowledgement, and signed it in his official capacity, and this fact the evidence fur-

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14.

ther disclosed was well known to the prosecution, and was disregarded by the Court in the motion made by the counsel for the defendant, when the People closed their case. The same is true of the witness Shea, page 210, Folios 837 and 839.

33. It was further error on the part of the learned Court to permit the case to be submitted to the jury after the lapse of time shown to have expired between the time of the larceny and the possession of the stolen property on the part of the defendant, as well as the remoteness of the place where the bonds were discovered in the possession of the defendant, and the place at which the larceny was committed. Time and distance were too great to raise a presumption of guilt. There was nothing in connection with the handling of the bonds in question by the defendant, Schooley, of a character suspicious in its nature, or from which guilty knowledge could be inferred; as well could it have been said that the brokers possessed guilty knowledge as the defendant, Schooley. As an illustration of the testimony given by all the witnesses, take one question and answer put to the witness Blackwell. (Page 73, Folio 289; also page 86, Folios 341 and 342.)

34. "Q. All of your dealings in connection with this transaction were ordinary, straightforward dealings, were they not?"

"A. Yes Sir."

The Court erred in excluding the question put to the Notary Public, Coon, as to whether at the time of the taking of the acknowledgement of the man who executed the Power of Attorney, "he supposed that he knew the man who introduced

15.

the signor to him". (see page 201, Folio 803.)

35.

It was error to exclude the evidence of the witness, Sumner, as to the statement made by "Joel Peterson" as to the bonds or similar bonds offered to the witness by Joel Peterson just previous to the time the same were traced to the hands of Schooley, (see page 219, Folio 875); and the same errors were repeated, (see page 220, Folio 876; also page 222, Folio 885; also page 223, Folios 889., 890, 891 and 892; also page 225, Folios 899 to 901 inclusive, and also page 226, Folios 903, 904 and 905.

It was clearly an error on the part of the Court in excluding the evidence of the witness, Purdy, as to the conversation which he had had with the man Peterson, to him known as Abijah Richardson, (see page 360, Folios 437, 439 inclusive. People vs. Dowling, 84 N. Y., 479.

36.

ERRORS IN THE CHARGE. The entire charge was excepted to, (see page 396, Folios 1582 and 1583.) The learned Court erred in charging as to the relations existing between the defendant and Peterson, (see page 385, Folio 1536), and it was clearly wrong to charge that the question was for the jury to consider whether Peterson ever existed (see page 386) after it was admitted by the prosecution that he had executed and acknowledged the various Powers of Attorney, and the same may be said of the comments of the learned judge upon the testimony of the Notaries Public, (see page 385, Folios 1541 and 1547, inclusive); and it may be proper to call attention in this connection to the charge of the learned judge in relation to the testimony of the experts in handwriting, (see page 391, Folios 1562 --- 1564 inclusive.)



0926

16.

37. It is not attempted in the foregoing to refer to the general rules of law governing the case at bar, as they are too well defined, but rather to the exceptions exemplified by the testimony during the trial.

C O N C L U S I O N .

The judgment should be reversed, and a new trial ordered.

*R. J. Haire*  
~~of~~ Counsel for Appellant,

#64 Elm street,

New York,

N. Y.

0927

Supreme Court of New York.

The People, etc.

vs.

William H. Schooley.

APPELLANT'S BRIEF,

On application for stay.

R. J. HAIRE,

Attorney for defendant

and Appellant,

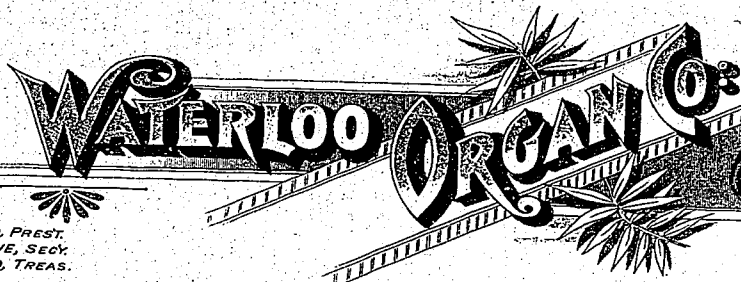
#84 Elm St.,

New York,

N. Y.

0928

ALEX. C. REED, PRES.  
MALCOLM LOVE, SECY.  
CHAS. G. REED, TREAS.



MANUFACTURERS OF

MALCOLM LOVE PIANOS  
WATERLOO  
ORGANS.

Waterloo, N.Y.

Jan. 3. 1895

Hon. Randolph Martine.

Dear Sir.

I write to you in regard to the case of Wm. N. Schooley who we understand will be sentenced by you on Monday next.

I would ask of you to extend to him all the clemency in your power to grant, not on my account but for the sake of his relations who reside near here and who are well and favorably known in this vicinity.

Mr. Schooley has heretofore been much thought of and very favorably impressed all who knew him and his relations are honest, respectable people and they as well as myself would highly appreciate any clemency you could and would extend to him.

Very Respectfully Yours  
Robt Love

0929

**Partridge Banking House**  
SUCCESSOR TO FIRST NATIONAL BANK.

Seneca Falls N.Y. DEC 26 1894

Now Randolph Martin  
New York

Dear Sir. I have known for  
many years William N.  
Schoble, lately found guilty  
of having stolen rail-road  
bonds in his possession.  
Mr Schoble comes of good  
family, and he has never  
to my knowledge, been charged  
or even suspected of crime before.  
I believe that he is entitled  
clemency in this matter.

Very respectfully  
Wilbur S. Elliott Cashier

0930

OFFICE OF  
The \* Seneca \* Falls \* Reville.

HENRY STOWELL, EDITOR AND PROPRIETOR.

✻ JOB · PRINTING · IN · ALL · ITS · BRANCHES. ✻

Seneca Falls, N. Y., December 30, 1894

Hon. Randolph Martine :-

Dear Sir :- I have known William St. Schwaley all his life. He was born in Seneca county and reared to manhood here. He was a very worthy young man while here, of reputable family connections, and honorable and manly in all his ways. His relatives here are among our best people. His arrest and conviction in New York was a great surprise to his acquaintances and friends in Seneca county. They feel, while not questioning the regularity or justice of the proceedings against him, that he is justly entitled to all the clemency the court can exercise in his case.

Very Truly Yours,  
Henry Stowell.



0931

ESTABLISHED 1867.

ELLEN B. PARTRIDGE, President;  
 JAMES B. THOMAS, Cashier;  
 FREDERICK THOMAS, Asst Cashier.

BANKING HOUSE

CAPITAL, \$150,000.

ELLEN B. PARTRIDGE,  
 JAMES B. THOMAS.

-OF-

# LEROY C. PARTRIDGE,

Ovid, N. Y.,

Dec 31 1894.

Hon. Randolph Martine,

New York, N. Y.

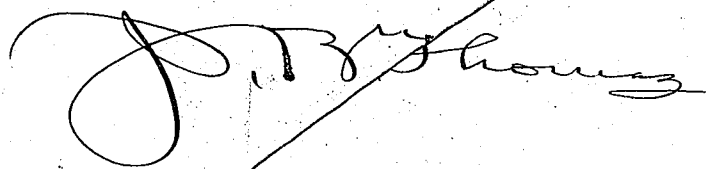
Dear Sir:-

It is with considerable surprise and some pain, that I have noticed in the press, the announcement of the recent arrest and conviction, in your court of Mr. William H. Schooley, and while it is not my province to raise any question as to the court proceedings, I desire to add my testimony in behalf of Mr. Schooley, that he may receive any clemency that the court may deem it wise to allow.

I have known him from his infancy, he having been born in this County and Town, where he lived perhaps the better part of his life. I have been intimately acquainted with the entire family, and can truthfully say, they have been among our best citizens, always honorable in every way, traits which have so far as I have observed, always been found in the young man, for whom it gives me some pleasure to add my recommendation for judicial clemency.

It is but fair, however to add that this letter is at the request of some of his family, Still it is with the greatest pleasure that I write it.

Very respectfully,





0932



*District Court in the City of New York*  
FOR THE  
*Eighth Judicial District,*

*S. W. Corner Seventh Avenue and Twenty Second Street,*

*Joseph H. Miner, Justice.*  
*Thomas Costigan, Clerk.*

Dec. 24 1894.

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Hon. Randolph B. Martine,

Justice of General Sessions,

Dear Sir:

At the request of some friends of Mr William Schooley (now awaiting sentence) and in the hope that it may benefit him, - I beg leave to say that Mr Schooley has been a practitioner in this court since my connection with it and that I have had opportunities of observing his conduct of cases and his treatment of clients and also have knowledge of the repute in which he is held by his associates at the bar.

There was never anything in his professional actions or in his dealings with his clients or with the court, to which exception could be taken. On the contrary he was known for his zeal to his clients, his ability in the conduct of their causes and the final adjustments seemed always satisfactory to the client. The bar regarded him as a well read lawyer and a careful business man and one without vicious instincts or evil associates. And therefore his conviction came to them as a surprise and shock.

Feeling and hoping that there may be some explanation or some misapprehension, I express my own hope and believe I echo the sentiments of the attaches at this court and of the members of the bar in most active practice there when I bespeak at your hands the most elemental treatment of the case which the facts will justify.

*Yours very truly*  
*Thomas Costigan*

0933

OFFICE OF  
GEORGE W. PONTIUS,  
DISTRICT ATTORNEY,  
SENECA COUNTY.

Seneca Falls, N. Y. Dec 26<sup>th</sup> 1894

Hon. Randolph B. Martine,  
New York City N.Y.  
Dear Sir:

I trust I may be pardoned in addressing you in behalf of William St. Schooley now awaiting sentence before you. Mr. Schooley was born in this County of good parentage and he has a brother and sister still living here who are highly respected and who feel deeply their brother's conviction.

I have known of the defendant for many years and this is the first charge that I have ever heard against him. I trust his previous good character and standing in the profession as well as his family connection may have much weight with you in passing sentence upon him and that you will show him all the clemency possible under the circumstances of the case. The facts of which I have heard I but tell about.

Yours very truly  
Geo. W. Pontius.

0934

Manufacturing and Business Property a Specialty.

EASTON & CO.,

Real Estate.

229 West 42d Street,

Between 7th & 8th Avenues.

New York, Dec 27<sup>th</sup> 1894

Mr. Randolph B. Martine  
Justice Court - 2nd Session

Dear Sir

In reference to the case of  
Mr. H. Schooley now awaiting sentence.  
I desire to say that I have known Mr. Schooley  
for the past nine years, and have had  
business relations with him a number  
of times which have been entirely satisfactory  
and if it will be possible for him to continue  
the practice of his profession I will be glad  
to do all in my power to aid him.

I respectfully ask that the greatest clemency  
which it is within the power of the Court, may be  
extended to him. I beg to remain very respectfully

Yours truly,  
W. C. Easton

0935

The Mutual Life Insurance Company of New York,

~~Charles E. Biddiss~~  
~~General Agent~~  
~~Rich. West, N.Y.~~

Richard A. M. Curdy, President.

Seneca Falls N.Y. Dec 26<sup>th</sup> 1894

Hon Randolph Martine  
 New York City

Dear Sir

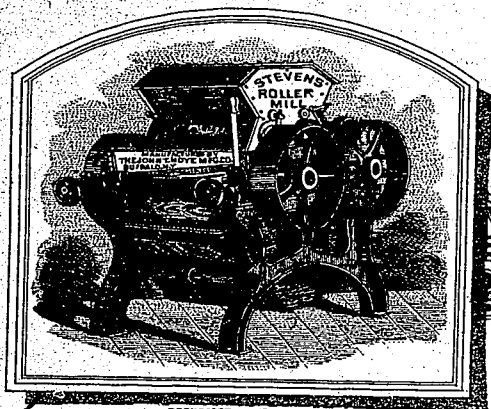
I take the liberty of addressing you, having been very intimately acquainted for many years with the family of Schooley of which W. H. Schooley is one, now awaiting sentence before you. Every member of them during my long acquaintance with them have always prided themselves on their integrity, and I have never known of a mean or dishonorable act in any of them. I take great pleasure in expressing my belief in W. H. Schooley's uprightness and integrity, and I most sincerely pray that you will give him the utmost and extreme Clemency in your power.

Stephen Mathurton

ex P.M. Seneca Falls N.Y.

Hon Randolph Martine  
 New York City

0936



**PIERSON & BECKER**

PROPRIETORS OF

**FAYETTE MILLS.**

MANUFACTURERS  
OF  
ALL GRADES OF

**ROLLER FLOUR**

WATERLOO, N.Y. Dec 26<sup>th</sup> 1894

Hon Randolph Martine  
New York City

I take the liberty of addressing  
you in reference to the case of  
Wm H Schooley now awaiting  
sentence before you.

Born and raised as I was in  
Seneca Co with his family and  
knowing them all intimately I  
take pleasure in expressing my  
belief in his and their entire  
uprightness and integrity.

And I sincerely pray that your  
Honor may see fit to extend  
to him extreme clemency.

Very Respectfully yours

C. L. Becker



0937

OFFICE OF  
WESTCOTT-JEWELL CO.  
MANUFACTURERS OF  
RULES, DOMINOES, BLOCKS, GAMES, SCHOOL BAGS,  
ADVERTISING SPECIALTIES, ETC

NEW YORK OFFICE.  
No. 55 WALKER STREET,  
NEAR BROADWAY.

*Seneca Falls, N. Y.,* Dec. 26, 1894.

Hon. Randolph Martine,

New York City.

Dear Sir:-

I know Wm. H. Schooley and his relatives here and have for many years. I have for them the greatest respect and have great faith in their respectability and honesty. I also know a great deal about Mr. Schooley's case lately tried before you, and in spite of the jury's verdict of guilty with recommendations for mercy, I cannot but believe that they have convicted an innocent man and were biased by general clamor of people and press that somebody be punished.

Your honor knows the state of the public mind better than I, and it perhaps, be presumptuous were I to say more. I can only pray that if your honor's judgement permits it, you will extend to him the extremest clemency the law allows you.

Very respectfully yours,

*W. D. Latham.*



0938

*Folio 1*

NEW YORK SUPREME COURT,

CITY AND COUNTY OF NEW YORK.

papers upon which the same is based, be served upon the  
.....  
District Attorney of said City and County of New York, on  
THE PEOPLE OF THE STATE OF NEW YORK, :  
or before the *fourth* day of January, 1895, and a certi-  
fied copy of this order be served on the Sheriff of the  
County of New York, and the same be done in all respects  
sufficient service to meet, the cause appearing therefor.

Respondents, :  
against :  
WILLIAM H. SCHOOLEY, :  
Appellant. :  
.....

Upon reading the affidavit of R. J. Haire, Esq.,  
attorney at law, verified the *7* day of January,  
1895, and the notice for appeal thereto attached in the  
above entitled action;

IT IS ORDERED that the District Attorney of the  
City and County of New York show cause before me or one  
of the judges of this Court at a term thereof to be held  
in the County Court House in the City of New York, at  
Chambers thereof, on the *fourth* day of January, 1895,  
at 10.30 o'clock in the forenoon of said day, or as soon  
thereafter as counsel can be heard, why a certificate of  
reasonable doubt should not be issued in the above en-  
titled matter, and why all proceedings should not be  
stayed pending the hearing upon the same, and until the  
final adjudication thereof.

AND IT IS FURTHER ORDERED that all proceedings  
in connection with the carrying out or enforcement of the  
judgment rendered in the above entitled case, be and the  
same are hereby stayed until the further order, judgment

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NEW YORK SHERIFFS COURT

2.

and decree of this Court.

LET A COPY of this order together with the papers upon which the same is based, be served upon the District Attorney of said City and County of New York, on or before the *seventh* day of January, 1895, and a certified copy of this order be served on the Sheriff of the County of New York, and the same be deemed in all respects sufficient service thereof, due cause appearing therefor.

Dated *My*  
*Jan'y 7-1895* *W. C. Smith*

That he is an attorney and counsellor at law, duly licensed to practice as such in the various courts of the State of New York, and that he has been and was the attorney for the above named defendant during all proceedings had in the above entitled action, as hereinafter set forth, and that he was present in person and conducted the defense of the defendant during the trial of said cause. Defendant further says that the defendant herein was indicted on the 1st day of May, 1893, charged with the crime of grand larceny of the first degree, to-wit: the receiving of stolen property, to-wit: the cash in the stolen, the two hundred and thirty dollars in the sum of dollars. Defendant further says that the facts as connected in connection with said transaction are:

1 & 2: That the property mentioned in the indictment and which consisted of four (4) of the bonds of the Iron Mountain Railroad Company were the true bonds of

SUG GECKES OF CURS COMPT.

NEW YORK SUPREME COURT, a duly organized corporation, and  
CITY AND COUNTY OF NEW YORK, ss.) of December, one thousand  
eight hundred and ninety (1890) to the City of Washington,  
D.C., said bonds were stolen from one Mrs. Wey, and that  
THE PEOPLE OF THE STATE OF NEW YORK, :  
gave said after the delivery of said bonds the numbers  
vs. :

Johnson, as well as upon the company which, were oblit-  
erated and other numbers substituted : their plant upon  
each of the four (4) bonds, although there was no evidence

of any character whatever to show such alteration or  
City and County of New York, ss.

substitution of numbers was made; and it was not claimed  
R. J. Haire, being duly sworn, deposes and  
says the trial that the defendant had any connection what-  
says:

even with or knew anything of the delivery of said bonds,  
That he is an attorney and counsellor at law,  
and that he has ever been in the City of Washington, and  
duly licensed to appear as such in the various courts of  
the State of New York, and that he now is and was the at-  
torney for the above named defendant during all proceedings  
grand larceny, and placed him upon his defence upon the  
had in the above entitled action, as hereinafter set forth,  
charge of receiving stolen goods, knowing the same to be  
and that he was present in person and conducted the defence  
action; and that the date upon which it was charged that  
of the defendant during the trial of said cause. Depon-  
ent further says that the defendant herein was indicted on  
(10th) day of August, one thousand eight hundred and ninety  
the day of , 1893,

and (1893), or eight (8) months less four (4) days after  
charged with the crime of grand larceny in the first degree,  
the crime of the receipt of stolen property, knowing the same to  
and the receiving of stolen property, knowing the same to  
be stolen, the two counts being embraced in the same in-  
dictment. Deponent further says that the facts as

of the Courts, having had an experience in the practice  
conceded in connection with said transaction are:

of the original law, towards a period of over twenty (20)  
F I R S T: that the property mentioned in the in-  
dictment and which consisted of four (4) of the bonds of  
the Iron Mountain Railroad Company were the true bonds of  
action, and objected to by the defendant, as well as in



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CITY AND COUNTY OF NEW YORK

THE ASSOCIATED PRESS

5

said Company, which was a duly organized corporation, and that on the fourteenth (14th) day of December, one thousand eight hundred and ninety (1890) at the City of Washington, D. C., said bonds were stolen from one Mrs. Gay, and that some time after the larceny of said bonds the numbers thereon, as well as upon the coupons attached, were obliterated and other numbers substituted in their place upon each of the four (4) bonds, although there was no evidence of any character whatever to show when said alteration or substitution of numbers was made; and it was not claimed upon the trial that the defendant had any connection whatever with or knew anything of the larceny of said bonds, or that he had ever been in the City of Washington; and the prosecution at the beginning of said trial abandoned the count in said indictment charging the defendant with grand larceny, and placed him upon his defence upon the charge of receiving stolen goods, knowing the same to be stolen; and that the date upon which it was charged that the defendant received said stolen goods was on the tenth (10th) day of August, one thousand eight hundred and ninety one (1891), or eight (8) months less four (4) days after the time of the larceny of said bonds. Deponent further says that in his opinion as an attorney and counsellor at law, familiar with the rules of evidence and the practice of the Courts, having had an experience in the practice of the criminal law, covering a period of over twenty (20) years, that numerous errors were committed by the trial judge in the admission of evidence offered by the prosecution, and objected to by the defendant, as well as in

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part of the transcript (T-11) of the hearing, and the same  
 was read to the jury and the court.

7  
 the exclusion of evidence offered by the defence, in spite  
 of the offer and protest against such exclusion being made  
 at the time thereof by counsel for the defendant, and also  
 that the learned trial judge committed error in charging  
 the jury upon the questions of law. That a few of the  
 errors upon which deponent relies for a reversal are set  
 forth as follows:

8  
 FIRST: That the prosecution made no claim what-  
 ever at the time of the trial that the defendant had any  
 knowledge of the fact that the bonds were forged; neverthe-  
 less the Court permitted, over the objection of the de-  
 fendant, an expert chemist to testify as to the alteration  
 of the numbers upon the bonds, and also, subject to objec-  
 tion and exception, permitted said expert chemist to make  
 experiments in the court-room, and in the presence of the  
 jury, for the purpose of bringing out the old numbers which  
 had evidently been erased from said bonds, and to give  
 testimony in full and detail in regard to the forgery and  
 erasure upon said bonds, and further to testify, subject  
 to objection and exception, as to the erasure of certain  
 names which had previously been written upon said bonds,  
 and to make experiments and chemical tests for the purpose  
 of showing what names had formerly been upon the bonds,  
 which evidence, although it in no wise connected the de-  
 fendant with the crime of forgery or could possibly have  
 any bearing upon the question at issue, nevertheless tended  
 to prejudice the jury as against the defendant.

9  
 SECOND: That the Court permitted the prosecution,  
 over the objection and exception of the defendant, to

of the office and the proper manner and execution of the same  
the execution of evidence offered by the defense to show

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introduce two (2) witnesses as experts in handwriting, who testified that in their opinion the signatures which were attached to four (4) separate and distinct powers of attorney, bearing date respectively August tenth (10th), August the thirteenth (13th), August the twentieth (20th) and August the twenty-fourth (24th), one thousand eight hundred and ninety-one (1891), authorizing the defendant to sell the bonds described in the indictment by the numbers which appeared upon the face of said bonds, and which set forth the facts that the same belonged to one Joel Peterson (said Powers of Attorney being signed in each instance "Joel Peterson"), and containing an acknowledgment or certificate in due and regular form under the signature and seal of a notary public to the fact and effect that the said Joel Peterson personally appeared before the notary named and was personally known to said notary and executed said powers of attorney, were in the handwriting of the said defendant Schooley, which evidence was introduced before the jury without having first placed upon the witness stand any of said notaries public, of whom there were four (4) to show whether they knew the person who subscribed said powers of attorney, or who acknowledged the same; and that said evidence so introduced was virtually declared by the prosecution to be incorrect, although the Court refused upon motion of the defendant's counsel to strike off said testimony from the record.

THIRD: That the introduction of expert testimony upon the question of the forgery of the signature to said powers of attorney was disproven by the various notaries



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THE FOLLOWING FACTS (5) WERE PRESENTED TO THE JURY BY THE PROSECUTION:

" 12) public named taking the witness stand and testifying that the person who appeared before them and each of them was not the defendant, and three of said notaries public testifying positively that they saw the signatures written to three (3) of the powers of attorney by the person who acknowledged the same, and that said person was not the defendant. This evidence having once been heard by the

the jury must of necessity have left an impression upon their minds which was damaging to the defendant.

" 13) FOURTH: That certain receipts, the body of which was in the hand-writing of the defendant, and signed or purporting to be signed by the said Joel Peterson, were declared by the said experts in hand-writing to have been signed by the defendant, although the signature was in the same hand-writing as that attached to the powers of attorney. The said powers of attorney were also testified that

FIFTH: That at the time when the prosecution rested, no evidence had been introduced, from which any inference could be drawn that the defendant possessed any guilty knowledge or had any information upon which to base the same, that said bonds were stolen, and that at that time the defendant made a motion before the Honorable trial judge that the jury be instructed to acquit the defendant upon the ground that no proper or legal evidence had been introduced to show that the defendant had any knowledge of the fact of the larceny of the bonds or that they were stolen property at the time he received and parted with the same, it having been shown at that time that the defendant sold said bonds to two brokers in the City of New York,---

for Nelson and Charles Nelson from each of them and  
 Duffie being kept the above said and mentioned

14  
 one of said bonds to a firm of brokers for the sum of Nine  
 hundred dollars (\$900.); the other three for Ten hundred  
 and thirty five dollars (\$1035.) each or thereabouts, ---  
 said amounts being the full market value of said bonds;  
 and that the erasures or forgeries upon said bonds were  
 of such a character that the brokers who testified that  
 they exercised all due and ordinary care in the transaction  
 and had said bonds in their possession for some consider-  
 able length of time (from twenty-four (24) hours to three  
 (3) days), saw nothing about the bonds to excite their  
 suspicion; after The motion made as above by the defend-  
 ant's counsel was denied, and the defendant placed upon  
 this defence. Mr. Richardson has stated that he had sold said  
 bonds. Upon the defence, the defendant placed upon the  
 stand a witness who knew the said Joel Peterson, who exe-  
 cuted the said powers of attorney, and who testified that  
 the same bonds or bonds of a like character and of the  
 same Company were in the possession of the said Joel Peter-  
 son and also in that of the witness for several days at a  
 period not to exceed one week before the time when the  
 first bond was traced to the possession of the defendant;  
 and that the defendant offered to show by this witness that  
 certain papers relating to said bonds and executed by the  
 said Joel Peterson, as well as a prospectus of the corpor-  
 ation which issued said bonds, were in the possession of  
 said Peterson, and a portion of them were turned over to  
 said witness at the time last mentioned, and some of said  
 papers were still in his possession relating to said bonds  
 or bonds of a similar character, and that the trial judge

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pledged dollars (\$5000): the other three for new pledged  
one of \$2500, and a list of donors for the sum of \$1000

7.

refused to admit such evidence. Further the defendant was not permitted to state when upon the witness stand that he had learned after the transaction the real name of the said Joel Peterson. Further that the Court refused to permit a witness to testify as to a conversation which he had with one Abijah Richardson, which was shown to be the real name of the party who had possession of said bonds and turned them over to the defendant, in regard to the defendant and his connection with these bonds, and that said Abijah Richardson had disappeared from the State a year or thereabouts after the time of the sale of these bonds, the defendant at the time offering to show by the witness that the said Abijah Richardson had stated that he had sold said bonds through the defendant in this action, and that possibly the defendant might have some trouble about the sale, but that he did not want the defendant informed as to the fact that there was anything wrong about the bonds, for there was not so far as the defendant knew, which evidence would have shown conclusively, had the same been introduced, that while the said Joel Peterson or Abijah Richardson at some time after the bonds were in the possession of the defendant, had knowledge or did believe that there was something wrong in connection with the possession of the bonds, nevertheless he had not sufficient faith in the defendant to entrust him with the knowledge of that fact, thereby showing conclusively that the defendant and the said Abijah Richardson were acting in unison and had no mutual information in regard to the larceny of the bonds. The defendant further offered to introduce in evidence by



not admitted to state upon the witness stand after he  
 refused to admit such evidence. Further, the defendant was

19  
 one of the witnesses before referred to a paper relating  
 to these bonds, which was then in his possession, and  
 which had been received by said witness as above mentioned  
 from the said Joel Peterson or Abijah Richardson. De-  
 ponent further says that although at the close of the case  
 the fact was stated by the prosecution and stated by the  
 Court to be that at no time after the sale of said bonds by  
 the defendant to the brokers before referred to was the de-  
 fendant a fugitive from justice, or was he in hiding, or  
 was he without a permanent place of abode, or was he doing  
 anything except to follow his ordinary business and avoca-  
 tion which was that of the practice of the law, and that in  
 fact he was engaged continuously and almost daily in the  
 various courts of the City of New York in connection with  
 his profession and as an attorney of record; nevertheless,  
 in spite of the objection of the defendant, evidence was  
 introduced on the part of the prosecution by several wit-  
 nesses to the effect that the defendant could not be found;  
 that he was in hiding, and that he was endeavoring to avoid  
 coming in contact with the brokers to whom he had sold said  
 bonds, which having once been introduced over the objec-  
 tion of the defendant, the Court refused to strike from the  
 record, notwithstanding the fact that such evidence would  
 and did have a tendency to prejudice the jury. And  
 again, that the Court permitted a witness to testify to a  
 subsequent arrest of the defendant in this case, which ar-  
 rest grew out of the same transaction and was upon a bench  
 warrant issued after the former arrest of the defendant, and  
 after he had been arraigned and pleaded to the indictment

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 21

to these powers: which was then in the possession of the  
one of the addressed parties referred to a General Agent

22 and had given bail, although after such evidence was admitted  
the learned trial judge, upon the motion of the defendant's  
counsel struck the same from the record, but, it having  
been listened to by the jury had a tendency to prejudice  
them as against the defendant. That the defendant of-  
fered to show in substance upon his defence that the said  
Joel Peterson was a man who was engaged in business in the  
City of New York as a real estate speculator, and also a  
speculator in bonds and securities for years previous to the  
transaction with the defendant hereinbefore set forth, and  
that shortly thereafter he disappeared from the City and  
had not since been seen, and that the said Joel Peterson or  
Abijah Richardson signed certain papers which the defendant  
presented at the trial, and that it was contended upon said  
trial that the signatures to said papers were in the same  
hand-writing as that of the name "Joel Peterson", attached  
to the powers of attorney and other exhibits, and that wit-  
nesses were introduced by the defendant for the purpose of  
showing that said signatures were attached to said papers,--  
four in all,-- in the presence of said witnesses, but that  
the Court refused to admit such evidence, and further that  
the Court refused to permit the persons witnessing such sig-  
natures and being present at the time to describe the ap-  
pearance of the man for the purpose of showing that he was  
the same individual whom the notaries public who took the  
acknowledgment to the four powers of attorney had described  
as being the man who signed the same; and this, notwith-  
standing the fact that the prosecution urged the claim at  
the beginning of said case, and endeavored during the entire

24 trial, which occupied six entire days, that the said Joel Peterson was a myth, and that in fact he never had any existence and no representative save and except the defendant himself, who had signed and acknowledged the powers of attorney hereinbefore referred to; and that not until after the case was closed on the part of both the prosecution and the defence did the prosecution admit that there was such a man as Joel Peterson, or that the signature which was attached to said powers of attorney was attached by any other person than the defendant himself.

The contention on the part of the defendant is:

25 FIRST: That the time which elapsed between the larceny of the bonds, viz: on the 14th day of December, 1890 and the time at which they were traced to the possession of the defendant, viz: on the 10th day of August, 1891, was so remote that no presumption could be raised as to the guilty knowledge of the defendant.

26 SECOND: That the remoteness of the place where said bonds were found in the possession of the defendant from where they were stolen is also a presumption against any guilty knowledge on the part of the defendant, and that the lapse of time was so great between the larceny and the possession on the part of the defendant that said defendant ought not to have been compelled to go upon his defence, upon the presumption of law that the possession of goods recently stolen is sufficient to place the defendant upon his explanation. The defendant's counsel also moved at the close of said case for the discharge of the defendant, and that the jury be directed to bring in a verdict of "Not



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11.

Guilty" for the various reasons hereinbefore stated, which motion was denied on the part of the trial judge. Deponent further says that there were in his opinion other and material errors committed on the part of the Court both in the admission of evidence offered by the prosecution, and the exclusion of that offered by the defendant, and that the Court committed error by stating to the jury during his charge that the various acts done and committed by the defendant, although of an ordinary business character, could be construed as pointing to the fact that the defendant had guilty knowledge. Deponent further says that the learned judge in charging the jury stated to them in substance that it was the duty of the defendant to post himself in regard to the nature and character of the property which he was handling, and that if the jury saw fit they might infer from the nature of the transaction which took place between the alleged Joel Peterson and the defendant, as described by the defendant upon the witness stand, that the defendant might have been reasonably led to infer that the bonds were stolen from the conduct of the said Joel Peterson, although he did not in any manner communicate such fact to the defendant, but that the defendant might have inferred and received sufficient knowledge of such fact from the willingness on the part of said Joel Peterson to part with the first bond at a price which was below the regular market quotation; and other statements made by the learned judge upon other matters in connection with the transaction of the same purport and character.

In consideration of the above deponent hereby prays

that an order may be issued by this Honorable Court, directed to the District Attorney of the City of New York, requiring him to show cause before one of the judges of the Supreme Court at a special term thereof to be held at Chambers in the City of New York upon such day and date as the Court may see fit to name, why a certificate of reasonable doubt should not issue, pending the appeal of said case, and why a permanent stay should not be granted pending said appeal; and that in the meantime all proceedings in connection with the carrying out of the judgment and decree made and had in said case be stayed, pending the hearing of said application.

Deponent says that a notice of appeal, a copy of which is hereto attached, has been duly made and served upon the District Attorney and the Clerk of the Court of General Sessions in and for the City and County of New York, and that no other application in this behalf, and of a similar character has been made to this or any other Court of

competent jurisdiction. Defendant has this day been sentenced to imprisonment for 3 years & one month.

Subscribed and sworn to before me this 7<sup>th</sup>

day of Jan 1895

*J. J. Rousseau*  
*Com. of Deeds*  
*NYCO*

*R. J. H. Allen*

0952

COURT OF GENERAL SESSIONS OF THE PEACE,  
IN AND FOR THE CITY AND COUNTY OF NEW YORK.

.....  
THE PEOPLE OF THE STATE OF NEW YORK,

Respondents,

against

WILLIAM H. SCHOOLEY,

Appellant.

////////////////////////////////////  
To John Carroll, Esquire, Clerk of the Court of General  
Sessions of the Peace, in and for the City and County of  
New York, and the Honorable John R. Fellows, District At-  
torney of the County of New York:

GENTLEMEN:

You and each of you will please take  
notice that William H. Schooley, the appellant and defend-  
ant above named, appeals to the General Term of the Supreme  
Court of the State of New York from the judgment rendered  
against him in the above entitled action by the Court of  
General Sessions of the Peace in and for the City and  
County of New York, on the 28th day of ~~December~~ *January*, 189*5*, and  
from each and every part of the said judgment.

Dated at New York City, ~~December~~ *January* 28th, 189*5*.

Yours respectfully,

*R. J. Hair*  
Counsel for Defendant and Appel-  
lant,

Office and Post Office Ad-  
dress, 116 Centre street,  
New York City, N. Y.



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The appeal is the  
case being heard  
by the SUPREME COURT.

Dr. J. McCarry to

Prothonotary

Appellants

-against-

William H. Schooley.

Appellant.

ORDER to show  
cause, stay &c

Robert J. Haire

Attorney for Defendant  
& Appellant.

116 Centre Street.

New York.

Sept 1893

Due return of a copy of the  
within paper is hereby admitted.

Dated Jan 7<sup>th</sup> 1895

Atty for

Received in  
order to be  
returned  
may be  
returned

out 20/95

John H. Tollen  
notary

R. J. Haire  
attorney

## COURT OF GENERAL SESSIONS OF THE PEACE?

City and County of New York,

## Part 1.

The People,

vs.

WILLIAM H. SCHOOLEY.

Before

HON. RANDOLPH B. MARTINE,

and a Jury.

NEW YORK, December 13th, 1894.

Assistant District Attorney James W. Osborne, for the  
People;

R. J. Haire, Esq., for the defense.

ELLEN M. GAY, a witness called on behalf of the People,  
being duly sworn, testified as follows:

Direct Examination by Mr. Osborne:

I reside at 1,510 U Street, Washington, D. C. On the  
14th day of December, 1890, I was the owner of four bonds of  
the St. Louis and Iron Mountain Railroad Company, Arkansas  
branch. These bonds were transferred to me by Hannah M.  
Carroll, and her name appeared on the back of them, as also  
the name of the Secretary of the company, D.S. McWilliams.

On the 14th of December, 1890, I left my house about  
11 o'clock, to go to church. At that time those bonds were  
in a small wooden box, in a trunk, in a little room on the  
second floor of my house. The little box was locked with

the key in it. When I left the house I locked the doors, and when I got home about a quarter past one, I noticed that the vestibule door was a little ajar. When I went inside, I noticed everything scattered about on the floor.

The box that contained the bonds was lying on the bed, but the bonds were gone; but other securities that I had in the box, were there. The next time I heard of the bonds was in August, 1893; three of them were in the possession of White, Morris & Co., and one was in the possession of Mr. Walsh, the broker.

C r o s s E x a m i n a t i o n, By Mr. Haire:

At the time these bonds were taken, there was also taken \$45 in money, and several other things, but I did not cause any arrests to be made.

Previous to my recovery of these bonds, I had given indemnity bonds and received my interest on the coupons, but I haven't any knowledge as to whether any of the coupons on these bonds were paid, after they were stolen from me.

I was not present when the original number was restored to these bonds, but I think that Hannah M. Carroll's name was on the upper surface, x although I could not find any evidence of it having been removed from the bond.

There were three signatures on these bonds, Mrs. Carroll's name was there, my name, and the Secretary had also signed it. These bonds were returned to me some time in the fall of 1894, by the firm of Arnoux, Rich & McArthur, who were my attorneys in New York. The December interest was paid to me, December 1st, 1894.



When the bonds came back into my possession, two of the coupons were remaining, and the rest must have been removed from the bonds by some other person.

In June and December, '91, by giving a bond of indemnity or something, I received my pay of \$35 each on the coupons.

ROBERT OGDEN DOREMUS, a witness called on behalf of the People, being duly sworn, testified as follows:  
Direct Examination, by Mr. Osborne:

I am Professor of Chemistry at the Bellevue Hospital Medical College and also Professor of Chemistry at the College of the City of New York.

The first time that I saw that bond, was on Thursday, August 10, 1893, and I received it from Mr. Rogers, a detective Sergeant of Police of New York. I moistened it slightly by putting a damp piece of paper on it, and then exposed it to what we call sulphate of amonium.

One of the names on the paper was Hannah M. Carroll, and the other one was William M. McFarland; there was also a number on it, 271 which was changed to 737.

EILEEN M. GAY, recalled for further cross-examination, testified as follows:

By Mr. Haire:

When the bonds were returned to me, the numbers had been changed upon the bonds and also upon the coupons.

ROBERT OGDEN DOREMUS, being recalled to the stand, testified as follows:

I made an enlarged photograph of Exhibit No. 1, and saw upon it the names of Mrs Hannah M. Carroll, and D. W. McFarland. Then under "Mrs..Ellen M. Gay," that first one is November, 1870, and the second one, "Mrs. Ellen M. Gay; D.W. McWilliams, December 5, 1871.

The number on the coupon in exhibit 1, was 271; 237 in the corner of the bond, and on the back of the bond, 271.

A year and a half ago, I made the memorandum that treated with sulphite of amonium, Hannah M. Carroll and D. W. McWilliams were brought out distinctly; also 737.

C r o s s E x a m i n a t i o n .

By Mr. Haire:

From my knowledge of chemistry, I would say that these names had been removed by some chemical process, but I would not be able to say how long before they had been removed.

C H A R L E S O. M O R R I S, Jr., a witness called on behalf of the People, being duly sworn, testified as follows:

D i r e c t E x a m i n a t i o n, by Mr. Osborne:

I live in Elizabeth, N.J., and was at one time a member of the firm of White, Morris & Co., in New York.

I know this defendant, Mr. Schooley, and first met him about August, '91, I think. I was at that time a member of the firm of White, Morris & Co, and engaged in business at 102 Broadway, where I met the defendant.

He gave us an order to sell one bond; a 7% St. Louis and Iron Mountain Railroad, Arkansas Branch, and he gave a limit, in the neighborhood of 101 1/2. We took his written

order for that, and he signed it in my presence. We sold that bond at that figure, or better, and gave him a check for the proceeds to the order of William H. Schooley.

Some time later he sold another bond, and after it was delivered to me, I also received the powers of attorney on those bonds at some later date. I think that Exhibit No. 4 is the first bond which was delivered to us.

We received three bonds altogether, and with each bond were directed to sell; we sold the bonds and delivered the proceeds to him, and each was a separate transaction.

The powers of attorney were delivered afterwards, not with the bonds. The checks we gave to the defendant, were paid by our bank.

After some time we had to take back the bonds from the brokers we had sold them to, and we returned the money. After that we sent for Schooley, and had quite some time in finding him.

We found a Mr. Farnham first, and had a talk with him; and we made an appointment for Mr. Schooley to meet us, which he never did. We looked for him for a month or two and I think Mr. Blackwell saw him, and got those powers of attorney from him.

We never had any talk with him about who was the owner of the bonds, prior to the time that we sold them three. The order directing the sale, he signed as attorney for another person.

Those bonds were delivered to Arnoux, Rich & Woodford, the attorneys, some time in the spring of '94.

C r o s s E x a m i n a t i o n .

By Mr. Haire:

I have been in the brokerage business about seventeen years. It was on the 13th of August that the defendant came and left the bond with us, and I think he was introduced to us by Mr. Torrey, whom we have known for years.

We sold the bond, and gave him a check, and also sent him a memorandum of the sale, and who it was sold to.

I didn't notice anything about the bond that would indicate that any names had been removed. The second bond is dated August 18th, and I think that the check for it was given on the 20th.

All of these checks which were given by our firm, came back to us in the ordinary manner, and through the bank.

Two of those bonds finally lodged in the hands of Cyrus G. Lawrence, in December '92, and somebody in his behalf came and reported that there was something wrong about them, and we had to make the bonds good. That was the first we knew there was anything wrong about them.

We then sought to find Mr. Schooley, and after some time he came to our office and one of my partners had a conversation with him. We wanted him to take back the bonds and make them good. He claimed that he sold them for Joel Peterson, and furnished these powers of attorney purporting to be signed by Joel Peterson.

I delivered those powers of attorney to Mr. Vernon M. Davis. I do not know whether Schooley had an office in '91, when the bonds were sold by us, but I know that in



answer to a communication sent from our office to the number which he gave, he appeared and got the checks.

LOUIS E. BLACKWELL, a witness called on behalf of the People, being duly sworn, testified as follows:

Direct Examination, by Mr. Osborne:

In August 1893 I was a member of the firm of White, Morris & Co., and I have been engaged as a broker on Wall Street for twenty five years.

I know the defendant, William H. Schooley, and saw him in August, 1893, after the purchase by our firm of three Iron Mountain bonds.

I discovered from Lawrence & Sons and Alexander that we had sold them \$3,000 stolen bonds---when I learned that I sent for Mr. Schooley, but the messenger could not find him. I then went and had a talk with Mr. Torrey, but he didn't know where Schooley was.

I got Schooley's address from Mr. Walsh, and when I sent a messenger to that address, Schooley came to our office in response. We wanted him to take them back; he said he could not do so as he had sold them for another party, and returned the money to the party he sold them for, and that party was Joel Peterson; he hadn't seen him in a fortnight and he would hunt him up.

One day a gentleman came in, and represented himself as Mr. Farnham; I had a talk with him, and in a day or two after I saw Schooley again.

Schooley called with Farnham and said he couldn't find Joel Peterson, and at that time, he delivered three powers

of attorney to me. He didn't return any part of the money that we paid him. It was some time in the spring of the year, when I delivered these bonds to Arnoux, Roch & Woodford.

C r o s s E x a m i n a t i o n.

By Mr. Haire:

From the information I received from Mr. Walsh, I was enabled to find Mr. Schooley, at some office in Washington or Greenwich Street. The date of his first visit was in December, 1892, at the time that Mr. Lawrence notified us that we must take the bonds back.

The second time he came, he brought with him those powers of attorney, and I delivered those papers to Mr. Morris, a partner in the firm.

T H O M A S J. W A L S H, a witness called on behalf of the People, being duly sworn, testified as follows:

D i r e c t E x a m i n a t i o n, by Mr. Osborne:

I am a member of the firm of Walsh & Sons, and do business at No. 5 Wall Street, New York, and have been there since '81; about thirteen years.

I saw this defendant, William H. Schooley for the first time about three months prior to August 10th, 1891, on which day he sold us the bond. He was introduced to us, in the office, by J.K. Van Ness.

He said that a client of his, a Mr. Peterson, had a thousand dollar bond which he wanted to sell; we bought it from him, and gave him a check for it.

I bought the bond from him at 103 1/2, and at the same time he delivered a power of attorney, because he said that



his client was sick and couldn't come down.

He came two or three days afterwards, and said he had three more, and wanted to sell them, but he wanted the money immediately. I told him that I wouldn't buy them unless he brought his client down. He said that he could sell them elsewhere.

About two days after I received the bond from the defendant, I sold it, and it remained out of my possession from August '91 until July 3, 1893, when it was returned to me, and I gave him a check for it.

This power of attorney was delivered to me at or about the same time I received the bond. The receipt was given to me after paying the money. He said he would pay this money to Peterson, and he would bring Mr. Peterson's receipt back to me, which he did.

In July '93 I wrote a letter to Schooley, and directed it to Greenwich Street; in answer a messenger called, and wanted to know what I wanted. Finding that I couldn't connect with Mr. Schooley, I gave the papers to Mr. Cyrus Rogers, of the Central Office.

C r o s s   E x a m i n a t i o n , by Mr. Haire:

The name of our firm is James Walsh & Son; my father is James Walsh. We gave Mr. Schooley a check for \$1035 for this bond, and I went to the bank with him to identify him. He took \$900 to pay Mr. Peterson, and left the rest for me to mind for him, which he received subsequently in several amounts.

In two or three days after he came to our office, and said that he had three more bonds that he wanted to sell

he said he had them with him, but I didn't see them.

It was at his own suggestion that he prepared this receipt and went out somewhere and got a Notary to acknowledge it. We bought ~~the~~ this bond from him direct, and did not receive a written order to sell.

The whole transaction with Schooley was carried on by myself entirely, and as far as I remember ~~my~~ my father had nothing at all to do with it. I told him to get a receipt from Peterson that he paid him the money, so as to satisfy myself. I took this receipt and kept it ever since, until I delivered it over to Officer Rogers.

R e D i r e c t E x a m i n a t i o n, by Mr. Osborne:

Mr. Schooley endorsed this check with which the bond was paid, and he went to the bank with me, and the money was paid to him there. He delivered to me \$135, because he said that he owed this Van Ness some money and didn't want Van Ness to know he had money, and that is the reason I kept the \$135.

When the bond came back, after we sold it the party said it was a forged bond. It was returned to us by George M. Mercer, a member of the Stock Exchange.

R e C r o s s E x a m i n a t i o n, by Mr. Haire:

I did not take a receipt from Schooley for the \$135, because he said it was not necessary, as I had received one for \$1,035.

The reason that I got the receipt from Schooley when I gave him the check, was to be sure that Joel Peterson would get the money, for I had no confidence in this man. The first time I heard of this bond was two days before the

purchase of it, and he brought it to me then, so that I could look it up and see that it was all right.

When I suggested the giving of the receipt, he didn't seem to make any objection.

DAVID M. TORREY, a witness called on behalf of the People, being duly sworn, testified as follows:

Direct Examination, by Mr. Osborne:

I have been a banker for ten years at 105 Nassau Street. I know the defendant, William H. Schooley; he was a depositor in our bank in 1891. He became a depositor in August 12, 1891.

Those three checks which you have shown me, were deposited respectively August 14, 21 and 25, to the credit of William H. Schooley, and those sums were paid by me to the order of Schooley.

DAVID N. CARVALHO, a witness called on behalf of the People, being duly sworn, testified as follows:

Direct Examination, by Mr. Osborne:

I have been engaged for over eighteen years in the business of examiner of questioned hand-writing and inks, and I have testified in hundreds of cases before.

In People's Exhibit B and People's Exhibit B2, leaving out the name of the Notary Public, all the writing appearing on the two papers was written by the same person.

I have compared the hand-writing of these two papers, one having the name of Joel Peterson at the foot and the other being a paper signed W.H.Schooley, and in my opinion

they are in the same handwriting

they are both in the same hand-writing.

I first compared the seven signatures of Joel Peterson for the purpose of coming to a determination as to whether or not those seven signatures, as compared each with themselves, are or are not genuine signatures, and I found that his name was spelled in five different ways.

After a careful examination of the two capital letters and I find that the characteristics, so far as force of habit is concerned, and which would indicate genuine hand-writing, vary sometimes.

A careful comparison of those letters and capitals, leads me to the conclusion that those signatures are not genuine signatures of any person. They are nothing but simulations, manufactured pieces of hand-writing of that name, by somebody unused to writing that particular name.

C r o s s   E x a m i n a t i o n, by Mr. Haire:

There is no doubt in my mind, that the signature of Joel Peterson which is attached to the four powers of attorney was all written by the same person.

J A M E S   W A L S H, a witness called on behalf of the People, being duly sworn, testified as follows:

D i r e c t   E x a m i n a t i o n, by Mr. Osborne:

The firm with which I am connected is James Walsh & Son, at 5 Wall Street. I have been in the present office about fourteen years.

I know the defendant, William H. Schooley, and saw him in August, 1891. A few days before August 12th, Mr. Schooley came to the office, and said he wanted to see me



privately. He said he had a thousand dollar bond of the St. Louis and Iron Mountain Railroad to sell, and he wanted to give \$900 to his client. Then he handed me the bond, and I threw it in the window and sold it the next day and gave him a check for it the day following.

He said that the bond was worth above par, and I gave him a check for \$1,035. He said that he wanted to leave the other \$135 with my son.

About a week after he came in again, and had three other bonds to sell, and he was in a hurry. I told him that we hadn't time to wait on him; he said he would go down to Drexel, Morgan & Co., where he would get his money right away.

He went out, and we sent a boy to see if he went to Drexel's, and the boy came back in about eight minutes.

That bond I bought from Schooley, came back on my hands about July 3rd, '93, but I heard of it eight months before it came back. I tried to hunt up the defendant for three or four months, but couldn't find him.

I went with Detective Rogers and Mr. Kush from Headquarters to 319 Greenwich street, where they made inquiries for the defendant; then we went to 10th Avenue and 36th street, and I got behind a post.

After some time Mr. Schooley came out, and walked towards Tenth Avenue. I ran over and tapped him on the shoulder, and Mr. Rogers came and pulled out his warrant and said, "You are my prisoner. I arrest you for forgery and grand larceny."

Cross Examination, by Mr. Haire:

I was a witness on the examination of the defendant in the Police Court, and I gave my testimony at that time. I testified that everything that I did in connection with the purchase of this bond was in the ordinary manner and form of doing business, except the power of attorney business.

I think that Mr. Schooley said that he would like to go to a Notary Public and give my son any papers; he went to the Notary Public we were in the habit of going to, when we had business to do.

I had known Schooley about two months before this and had loaned him a few dollars, which he paid me.

From the time he first brought me this bond to the time I paid him for it, Van Ness was not present at any time.

Shortly after this my son had dealings with Schooley, in regard to the purchase of a judgment; soon after this he stopped coming. Three or four months after the bond transaction Schooley came in and asked me to loan him a few dollars, I told him I couldn't and I think that was the last time I saw him at our place.

I do remember testifying in the Police Court, to the effect that Mr. Schooley brought me the bond and told me to take it and see if it was good, and all right.

Re D i r e c t   E x a m i n a t i o n, by Mr. Osborne:

At the time I enquired for Schooley, I did not at that time suspect that he knew these bonds were stolen, but when the test was made, or when the bond came back, then I got suspicious.



D A V I D N. A R V A L H O, being recalled by Mr. Haire, testified as follows:

I have examined 1, 2, 3, 4 and 5, Defendant's Exhibits, with the signatures attached to the powers of attorney, and I now state that they were not written by the same person.

F R A N K M O S S, a witness called for the DEFENSE, being duly sworn, testified as follows:

DIRECT EXAMINATION, by Mr. Haire:

I am an attorney and counsellor at law in the city of New York, and am at present one of the counsel before the Senate Committee.

I know the defendant, William H. Schooley, and got acquainted with him through his coming to see Mr. Brague, who has an office with me. I believe he used to come there to have acknowledgements taken.

On Exhibit X, which is one of the powers of attorney, that is my signature, as Notary Public. I also signed it as a witness. I remember the occasion of taking that acknowledgement, and I am positive that it was acknowledged by another person that Mr. Schooley.

C r o s s E x a m i n a t i o n, by Mr. Osborne:

I don't think that paper was signed in my presence, and I did not know the man who took that acknowledgement; he was brought in by the defendant, and introduced as Joel Peterson.

That introduction was satisfactory to me, and so I took the acknowledgement of the person whom I had never seen before or did not know.

D A N I E L T. A M E S, a witness called on behalf of the People, being duly sworn, testified as follows:

D i r e c t E x a m i n a t i o n, by Mr. Osborne:

My general business is pen artist, and I devote a large portion of my time to the examination and giving testimony respecting questioned hand-writing. I have testified in hundreds of cases in respect to disputed hand-writing.

People's Exhibits A,c and E, which have been denominated the orders of sale; People's Exhibits X,Y and Z and A2, known as the powers of attorney; also People's Exhibit P, which is the letter of July 19, 1893; People's Exhibit B2, which is the receipt of August 12, 1891, are in the same writing as People's Exhibit B1.

I find the name of Joel Peterson several times upon these exhibits. After a careful examination of those signatures, I find that, while there is a resemblance between them, there is not that homogeneousness that I would expect to find among an equal number of signatures naturally written. I concluded that those signatures were not genuine, and natural writing of any person.

C r o s s E x a m i n a t i o n, by Mr. Haire:

Mr. Carvalho and I have often appeared as experts, and I don't know that I have ever been mistaken in my opinion, after giving testimony.

S I L A S W. R O G E R S, a witness called on behalf of the People, being duly sworn, testified as follows:

D i r e c t E x a m i n a t i o n, by Mr. Osborne:

I am Detective Sergeant of Police, and arrested William H. Schooley, on Tenth Avenue, near the corner of 36th street, on the 22nd of August. Mr. Walsh, and my partner, Detective Sergeant Kush were with me when I made the arrest.

I received that warrant from Judge Martin, of the Tombs Police Court, on the 22nd of August, about 11 or 12 o'clock in the morning.

I made an engagement with Mr. Walsh, who knew Schooley but I didn't know he did. I met him at 5 o'clock in the evening, and accompanied him to 454 West 36th street. I remained on the side-walk, while Walsh entered the house.

After the lady stated to Walsh that Schooley would be home in about an hour, I accompanied him to the corner and remained in 36th street and Tenth avenue to such times as Mr. Schooley would come. I walked towards Tenth Avenue, and arrested him on Tenth Avenue, near the corner of 36th street.

C r o s s E x a m i n a t i o n, by Mr. Haire:

Mr. Schooley may have come back to the house, without our seeing him, from the time we left the house and went to the corner.

J A M E S F. V A L L E L Y, a witness called on behalf of the People, being duly sworn, testified as follows:

D i r e c t E x a m i n a t i o n, by Mr. Osborne:

Q M I am a member of the Police Force of this city, and am connected with the Detective Bureau of the Central Office. I arrested this defendant on the 19th of November,

1894. I hadn't a warrant. I understood there was one, ~~for~~ from the Inspector. I arrested him in West 48th Street.

He said that he was arrested for some bonds, which he understood were stolen from Washington in a burglary that was there, and that he had come into possession of them through a man named Joel Peterson, who was a client of his, and gave them to him to sell, and he sold them.

He said that he had no guilty intentions or knowledge of the bonds being stolen at the time he sold them.

C r o s s   E x a m i n a t i o n, by Mr. Haire:

I remember that Schooley said that the day his case was called for trial, and he failed to appear, that he had a case in court. He said that he had practised right along in New York and Brooklyn.

C H A R L E S   M c G R O A R T Y, a witness called on behalf of the People, being duly sworn, testified as follows:

D i r e c t   E x a m i n a t i o n, by Mr. Osborne:

I am employed at 5 Wall Street, by James Walsh & Son.

I know this defendant, William H. Schooley, and saw him in the office of James Walsh & Son. I have seen him ~~x~~ in the office in '91, but I didn't know the nature of his business at that time.

I followed the defendant to Broadway, from thence to Rector street and Trinity Place to the south-east corner of Cedar, and he entered a building. I did not see him re-appear again.

C r o s s   E x a m i n a t i o n, by Mr. Haire:

Mr. Schooley's address, in August 1891, was 337 West 59th Street.



T H O M A S F. C O E N, a witness called on behalf of the De-  
fense, being duly sworn, testified as follows:

D i r e c t   E x a m i n a t i o n , by Mr. Haire:

I am an attorney and counselor at law, and have my office in the city of New York.

I have never been introduced to the defendant, School-ey, but he has been pointed out to me. I saw People's W Exhibit A2 on the 10th of August, 1891, at my place, 229 East 10th street.

It was between 7 and 8 o'clock in the evening. Two gentlemen came in. One was a very tall man, with grayish hair--- I didn't know either--- and the other man who accompanied him, introduced him as Mr. Joel Peterson to me. He said, "I want to take an acknowledgement."

I took the acknowledgement, and also saw him write his signature. That was the taller man, with gray hair; the ~~ax~~ defendant was never in my place in his life.

C r o s s   E x a m i n a t i o n , by Mr. Osborne:

I had never seen either one of those persons before I acknowledged this paper, but one introduced the other to me as Joel Peterson, and upon the strength of that introduction I took the acknowledgement.

It is my rule to put my initials where an alteration appears on a paper. Where the "Joel" is written over what appears to be "George", must have been written after the paper had left my presence.

I really believed at the time, that I knew the man who came there with the man who signed the paper; I thought he might be an acquaintance in the neighborhood.



JNO H N G. R I T T E R, a witness called on behalf of the Defense, being duly sworn, testified as follows:

D i r e c t E x a m i n a t i o n, by Mr. Haire:

I have been engaged in the practice of the law, about eight years, and have an office in the Equitable building, 120 Broadway.

On the 20th of August, 1891, I was in the Equitable building, and held a commission as a Notary Public.

I know William H. Schooley, the defendant, and have known him since the taking of the acknowledgement of the power of attorney. I was introduced to him at the time, by Col. Chetwood.

I wrote my name as the subscribing Notary, on Exhibit Z, which bears date August 20, 1891. I also wrote my name as a witness, and I saw the signature written. ~~xx xxi~~ It was not written by this defendant, but by a man somewhat taller than Mr. Schooley, with gray hair and mustache, and I think he had a vandyke beard.

C r o s s E x a m i n a t i o n

By Mr. Osborne:

I think that this Joel Peterson sat down at Mr. Chetwood's desk when he wrote his signature, and when he had finished I took up the pen, and wrote my name, so that the two signatures are likely in the same writing.

At the time I took the acknowledgement, and certified that I knew the man to be Joel Peterson, I knew nothing in the world about him, except that he was a client of School-  
eys.

T I M O T H Y S H E A, sworn and examined by Mr. Haire.

I have been a counsellor at law for 14 years, and have an office at 95 Nassau street. I know Mr. Bague; he has an office in the same building. I have known the defendant, Schooley, by sight from boyhood up, until I got acquainted with him.

I have seen Exhibits Z & Y which is the power of attorney, and I saw the name "Joel Peterson" written in my office. It was not written by the defendant, but I have no recollection of this man Peterson.

C r o s s E x a m i n a t i o n by Mr. Osborne.

Mr. Schooley and Mr. Peterson came into my office and Mr. Schooley said he wanted to make an acknowledgement. I took the paper, and was going to ask them to acknowledge it, I saw it was not signed, and I told him to go to the other desk and sign it, and he did sign it, he took the red ink bottle and signed his name to it.

I never saw Peterson before, and do not know whether he was Peterson except on the statement of Schooley.

S T E P H E N B. B R A G U E, sworn and examined by Mr. Haire.

I am an attorney and counsellor-at-law for thirty-six years, and have an office in company with Frank Moss. In August 1891, my office was in the same place, 93 Nassau street; we have been in the same place about ten years.

I have known the defendant William H. Schooley about twenty-six years, and I formerly had an office in the same building with him. I saw him occasionally during the sum-

mer of 1891, he would often come to have acknowledgements taken, because I took them for nothing.

I don't know Joel Peterson; I never saw him, and I don't know anything about him.

HERON H. SUMNER, sworn and examined by Mr. Haire:

I have resided in New York about 12 or 15 years. I am in the real estate business, at the corner of Fulton and Nassau streets.

I have no means of identifying the bond itself, but I had papers similar to Plaintiff's Exhibit No.3, of the same amount and of the same character. That was in the month of August, 1891, and they were in the possession of a man that I knew then as James H. Edgar.

I had a conversation with that man in regard to the sale of these bonds. I afterwards knew this Edgar by two or three other names; he wished me to address him as Miller. I also heard him called Abijah Richardson, Miller and James H. Henry.

He also called himself Joel Peterson. He was a tall man, about five feet ten or eleven inches in height, at least that high, a slender man with grey hair and grey beard. He left these seven bonds with me for a spell, about a week, and took them away about the first week in August.

I saw this man again a few weeks afterwards, at my office and at different places, and I had a conversation with him in relation to the bonds which he had left at my office.

I do not know Mr. Schooley, the defendant, and never

met him until I saw him in Court.

C r o s s - e x a m i n e d by Mr. Osborne.

I have known James A. Edgar since about 1887; I met him in my office at 73 Broadway, in the city of New York. I understood him to be a speculator and a man of ~~business~~ means. Up to the time the bonds were delivered, I knew him as James H. Edgar.

In 1890, I identified a body, and swore that it was the body of James H. Edgar, but it was a mistake, as I met him afterwards and he gave me some bonds.

The signature James H. Edgar, in Defendant's Exhibit 2, is in the handwriting of James H. Edgar. I have frequently seen him write. In defendant's exhibit 5, that is James H. Edgars signature, I di not see him sign it, but it is his writing.

The last time I saw this man was some time in November or December 1891; he lived at that time in East 12th Street east of Madison Avenue. He resided with a family named Bassford; Bassford was his brother-in-law.

Ido not ~~where~~ know where Edgar is now; I have endeavored to find him but didn't succeed.

MARY F. BOYLE, sworn and examined by Mr. Haire:

I was working in the City of New York on the 12th of June, 1891, and was at the time a duly commissioned notary public. I know that Defendant's Exhibit 2 which bears the date of June 12th, 1891, was signed by some person who wrote the name of James H. Edgar.

BELLE W. TALMAGE, sworn and examined by Mr.

Haire:



I live at 456 West 37th street in the city of New York. I have known the defendant about 16 or 17 years. My mother was William H. Schooley's wife, and I am his step daughter. My mother died June 7, '93

At that time Mr. Schooley was arrested, I kept house for him at 454 West 36th street, and I remember the occasion of Mr. Walsh and Officer Rogers coming there. Mr. Schooley was out when they came, but was back in about an hour afterwards.

When he came in I told him about the men being there, and he went out again on an errand, but before he returned, he was arrested.

From August '91 up to the time of the arrest of Mr. Schooley, I saw him every day; I was living in the same house with him, and as far as I could see, he was not making any effort to keep out of sight, but went on about his business as usual.

I do remember seeing a man at our house sometime in August, 1891 with Mr. Schooley, and he introduced him to me as Joel Peterson. He was very tall, and had a gray beard, and a gray mustache--a very slender man. He remained at our house about an hour, conversing with Mr. Schooley.

Cross-examined by Mr. Osborne:

In 1891 Schooley lived at 337 West 59th street, after that we moved, but I don't remember where.

ACKLAND LORD BOYLE, sworn and examined by Mr. Haire:  
At present I reside at Woodside L.I. I am the hus-



band of Mrs. Boyle, one of the last witnesses.

I never saw this defendant, Schooley until this trial.

JOHN O. BACHE, sworn and examined by Mr. Haire:

I reside at 66 West 46th Street, New York, and am the manager of the Union Central Life Insurance Company Cincinnati, Ohio. The New York office is in the Metropolitan Building.

I have been acquainted with William H. Schooley about 4 years, and during that time I saw him frequently. He has done business for me and my insurance company.

C r o s s - e x a m i n e d by Mr. Osborne:

I am an insurance agent, and my place of business is at Madison Avenue and 23rd street. I met Schooley in the office of William Oliver Moore, 83 Madison Avenue, our Medical Examiner and physician.

Schooley then had his office someplace in Vesey street. In this year, 1894, he lived in Eighth avenue and 30th Street; I was at that house once, but he was not at home, but I know that he lived there.

I saw Mr. Schooley frequently during the year '91 and '92, and he had several cases for me and several for my company.

W I L L I A M O. MOORE, E, sworn and examined by Mr. Haire:

I live at 83 Madison Avenue, and have been a practicing physician about 14 years. I have known the defendant about 4 years, and his general reputation for honesty and

integrity has been good so far as I know. I never heard anything against him except this one charge.

C r o s s - e x a m i n a t i o n by Mr. Osborne:

Prior to Mr. Schooley's wife's death I practiced in his family. I met Mr. Schooley as client and attorney, I engaged him as attorney for me. His wife died sometime in '93, I was treating her at the time of her death; it was unusual for me to treat patients outside, but as a professional favor I did so.

The defendant's office during 1894 was 319 Greenwich street, and during that year I saw him most every day at my office.

EDNA RUSHWORTH, sworn and examined by Mr. Haire:

I have lived at 30th street, corner of 8th avenue for two years, and I know the defendant, William H. Schooley. I have known him eight or ten years. His reputation for honesty and integrity has always been good, so far as I know.

ELLA E. DODGE, sworn and examined by Mr. Haire:

I am married and live with my husband at Waterloo, N. Y. I am a sister of William H. Schooley and have known him all my life. His reputation has been always very good.

Mr. Schooley is also acquainted at Waterloo and Seneca Falls, and his reputation among those people is good.

HENRY P. CROSER, sworn and examined by Mr. Haire:

I reside at 326 West 48th street, and have lived in New York all my life. I have known the defendant seven years, and I am acquainted with a great many people who

are acquainted with him, and his reputation for honesty and integrity has been good.

In May 1892 I had an office on Washington street, and Mr. Schooley kept some papers there.

C r o s s - E x a m i n e d by Mr. Osborne:

I live at 326 West 48th street, and this defendant was at my home on the 18th of November, 1894. He used to come two or three times a week.

My business address is 168 Greenwich street, and during the year of 1892 Mr. Schooley had an office at 319 Greenwich street. Before then he had an office in the Stewart Building.

W I L L I A M H. S C H O O L E Y, THE DEFENDANT, being duly sworn and examined, testified as follows:

D i r e c t E x a m i n a t i o n, by Mr. Haire:

I am the defendant in this action. I was born in the county of Seneca State of New York, fifty-four years ago.

My profession or business is attorney at law; I was admitted in the city of Albany, in December, 1865, and I have practiced my profession since that time.

I was a clerk in the office of Tremaine & Peckham, for a year and a half; and for a year or two I was in Albany, practicing law for myself. Then I came to New York in '67 and commenced practicing my profession here. I went into the office of C.F. Higgins, at 132 Nassau street, but afterwards became connected with the firm of McClellan & Alexander, the old Surrogate and the present Surrogate.

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On account of the dissolution of McClellan & Alexander, I returned to New York, and have been practicing in New York ever since.

I had an office in the same building with Mr. Brague, for about four or five years at 229 Broadway, corner of Barclay.

I was never convicted of crime or of any misdemeanor; I was never indicted for crime, except in connection with these bonds, the present charge.

In the month of December, 1890 I was living in 74th street, and in 1891 I was living at 337 West 59th street.

I have never in my life been in the city of Washington. The bond referred to in the power of attorney, dated August 10th, 1891, I first saw in the possession of Joel Peterson. I was introduced to Peterson by Garrett M. Clute, a lawyer who had his office at 229 Broadway. This was a year or two prior to August, '91.

I had never seen or heard of this bond until the 10th day of August, when he handed it to me. He wanted me to dispose of it, but I told him I didn't care to do so; he said that he would give me a power of attorney to dispose of it, and I drew the power of attorney dated August 10th, and delivered it to him.

The body of the instrument is in my hand-writing; it is all my hand-writing except the signatures, "Joel Peterson," and the Notary, and the witness. I most emphatically swear that I did not write, or even see written, the signature of Joel Peterson attached to this power of attorney.



That paper was returned to me the next morning, by Mr. Peterson, and I received the bond at the same time. I ~~the~~ then took the bond and the power of attorney and went to the office of Walsh & Son, where I interviewed the father James Walsh. He received from me at that time, both the bond and the power of attorney.

I did not return until the next morning, and he said that they were looking the matter up; they had made no disposition of it at that time. I returned to my office, and found Mr. Peterson, who was inquiring about the bond so I brought him right back to the office, but both of the Walsh's were absent.

I saw both of the Walsh's on the 12th, and they said that the bond was all right, and they would give \$900 for it. I consulted Peterson, and finally he directed me to go and accept the \$900, as he said he was in want of money.

I then went to Mr. Walsh & Son, and communicated to them that I was authorized to take \$900. They desired a receipt. He said he wanted a receipt which he could show that they had paid the full amount which they said was \$1,035, and they wanted to give me a check for the full amount and I could return them \$135 from that.

Then the younger Walsh said that he would go with me and have it acknowledged; so he brought me to the office of a Mr. Austin, a Notary Public, whom I had never been to before. After we got back, Thomas Walsh drew a check for the amount of \$1,035; that is, for the full amount of the face of the bond, and he came with me to



the bank to identify me. The Paying Teller counted out the money, \$1,035, and as he did so, Thomas Walsh reached over and took \$135 from the amount, before it was taken from the counter of the Paying Teller, and he put it in his pocket, and I never got one dollar of it.

He paid me \$175 or \$200~~x~~ upon the judgment matter, but that is all the money he ever paid me. I then took the \$900 and went and saw Peterson at the office; this was as late as 4 or 5 o'clock, and I told him I had accepted the \$900, according to his instructions, and I thereupon drew the paper marked Exhibit B.

Exhibit B, is all in my hand-writing except the signatures; it was signed in my presence by Joel Peterson.

I paid all the money over to Mr. Peterson, and did not get one cent for my trouble. I did not see Mr. Walsh during the year 1893, but wrote him a note or two.

I was not at my house the night that Walsh called, but I got home about half-past 6 or 7 o'clock, and I had a conversation with my step-daughter, and then I went out of the house for the purpose of getting some laundry.

At the corner I met Mr.~~x~~ detective Kush, and he asked me if I was Mr. Schooley, when I said I was, he said that he had a warrant for me. He was just showing me the warrant when Detective Sergeant Rogers and Mr. Walsh came across Tenth Avenue and approached us.

It is not true that I told Mr. Walsh to be easy on me because I had a wife and daughter; my wife had died on the 6th of June, 1893.

I never made the statement to Mr. Walsh that I wanted him to keep this \$135, because my client owed me ~~many~~ money

I received each and every one of those bonds from Joel Peterson, and also the power of attorney, which was signed by Joel Peterson.

Bond No. 799 is in my hand-writing, and is acknowledged by Joel Peterson before Frank Moss. I went into Mr. Moss's offices for the purpose of seeing Mr. Brague, whom I have known twenty-four or twenty-five years.

I saw Peterson sign every exhibit here, except the first power of attorney, and that is the one before Coen.

I paid him every dollar on the second bond, and he returned me \$50 for the trouble. I hadn't the slightest knowledge or information that the bonds had been stolen, or that there had been any alterations. The first intimation I had of anything wrong about the bonds was from Mr. Blackwell, about two years subsequent to the transaction of the sale of the bonds.

I think it was in the spring of '93 when Mr. Blackwell came to see me at 175 Washington street, the office of Mr. Crosher; he told me that they claim there was something the matter with those bonds, that they were the proceeds of a robbery in Washington; I believe, they also ~~says~~ say the numbers have been changed in some way or the other.

I told him that I went there under a power of attorney, and I told him that I had those powers of attorney in the safe, but couldn't open the safe until Mr. Crosher came in. The next day I went, at 11 o'clock, to the office of White Morris & Co., and left the three powers of attorney in the hands of Mr. Blackwell.



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He said he would return them to me in a few days, and I never ~~saw~~ received them or never saw them again, until I saw them in the custody of the authorities or Court.

I never signed Joel Peterson's name to any paper, and I never wrote his name, except in the body of the paper. I saw Joel Peterson probably two or three times a month, up to ~~the~~ four or five months prior to the time that Mr. Blackwell called on me. The last time I saw him was in the office of the Real Estate Exchange, 111 Broadway.

I only knew him by the name of Peterson, but since I lost track of him, I have heard people, call him by other names. I deposited the checks which I received in payment for those bonds, and then drew out money on my own checks, to pay Peterson.

C r o s s   E x a m i n a t i o n, by Mr. Osborne:

Up to five weeks ago I had an office at 319 Greenwich street. I was walking down Broadway with Mr. Clute, when I first met Peterson, and was introduced to him; I think it must have been a year or two prior to 1891. I met him occasionally after that, in the Real Estate Exchange and in the street. I drew some papers for him, once or twice, in reference to some contract.

I met him in the Real Estate Exchange when he first spoke to me about the bond, and I drew up the power of attorney entirely from the description of the bond given by Joel Peterson. This was in the afternoon of the 9th of August, and he came back the following morning, and



brought it back executed.

I misunderstood his name at first, and wrote George, but I corrected it and wrote Joel. He did not tell me how much he wanted to get for that bond, but said it was a good one, and he wanted me to go down and sell it for him. He said he would give me something for my trouble.

About thirty minutes after I got the power of attorney and the bond, I went down to Mr. Walsh's to consult him about it; I didn't know, at the time, whether it was a payable to bearer bond or not, because I didn't look at it particularly..

Mr. Walsh agreed to buy the bond from me, if it was all right, so I went there again the next day, the 11th of August, and he said the bond was all right. He bought it on the 12th, and gave \$900 for it.

Peterson did not want to take \$900 for it at first, but finally said that he was in need of money, and I had better go and take the \$900. When I went down, Mr. Walsh told me that they could get \$1,035 for the bond, and that is the reason that they drew a check for \$1,035, and the receipt also. But I knew at the time that I was not to get any more than \$900.

I asked Peterson where he got those bonds, and he said he got them in a business transaction. He said he was a Real Estate Speculator.

I opened a bank account on August 12th and deposited \$80.. When I got this check of course I deposited it, and drew a check, payable to myself, for the sum of \$900; I drew the money, and added to it enough to make up the



amount, \$1,035. I went to Torrey & Co., to get that check cashed by them, and they didn't desire to cash it but wanted mento deposit it and draw against it.

HUGH COLEMAN, a witness called on behalf of the Defense, being duly sworn, testified as follows:

Direct Examination, by Mr. Haire:

I am a member of the Bar of the State of New York, and have practiced for twenty five years; since 1870.

I know the defendant, Schooley since 1869 or 70, and I also know people who know him; his reputation for honesty and integrity has been good.

Cross Examination, by Mr. Osborne:

I don't think I have ever been associated with Mr. Schooley in business, in any way. I had an office next to where he was, twenty-four years ago. I was a student, and he coached me for the Bar. I am here as a matter of gratitude to him.

WILLIAM H. SCHOOLEY, being recalled for further cross examination, testified as follows:

I learned that my bond was forfeited, late in the afternoon of the 21st day of February, 1894. I told Peterson that I did not desire to sell the remaining two bonds, after I had sold the first. I received \$50 for myself for selling the second and the last bonds.

I have learned two or three names for Joel Peterson, but I don't know which is the true one; one name was

Abijah Richardson, and the other was James H. Edgar.

Joel Peterson never told me that he was afraid to go down on Wall street, for fear he would be arrested; and if he did, I would have had nothing to do with him.

At the sale of the second bond, I got this check dated August 21, 1891, and my recollection is that I deposited it with Mr. Torrey.

For the bond I sold on the 21st of August, 1891, I drew a check payable to my own order, for \$900, with which I paid Joel Peterson, after I had added \$75 to it; I deducted \$50.

The fourth bond which I sold, I paid to Joel Peterson, by drawing a check to my own order for \$912.50, and I paid Mr. Peterson in cash. I kept \$50 for myself, and gave him the balance which was \$120.

The reason I declined at first to take the last two bonds was because he was dissatisfied with my transaction in selling the first. I told him that I had no compensation for any trouble I had in the Walsh transaction, and I concluded that I would get compensation out of taking that next bond, which he had offered me \$50 for doing it.

I think about a week elapsed between the taking of the first bond until I took the second, and I was perfectly confident that as the first was all right, the others were too, as they were all similar.

Peterson called at my house about this time, and I introduced him to my step-daughter, and also to my wife. He used to come to my office from time to time,



but I didn't do any work for him, any more than to consult with him about different matters. I think the only office he visited me at was 280 Broadway.

I don't know whether Peterson had any more than four bonds, he didn't tell me about any more. I do not think that I was particularly introduced to Mr. Torrey; I was in the habit of going in Mr. Torrey's and getting checks cashed or money changed.

C r o s s   E x a m i n a t i o n, by Mr. Haire:

Mr. Torrey had a banking place for a number of years. Although this man Peterson told me to accept \$900, because he wanted to use the money, he afterwards found some fault with me, and I received no compensation.

For the second bond, I added \$75 to the \$900, to make up the amount, less \$50. I took his receipt on the back of the power of attorney, for the whole amount.

Every one of these checks were drawn in Mr. Torrey's office, on blank checks, and consequently not taken from my ordinary check-book. Mr. Torrey was acquainted with White Morris & Co., having recommended me there. He received their checks, and allowed me to draw against them.

I say solemnly, that I had not the slightest knowledge, information or belief, or intimation whatever, ~~that~~ that there was anything wrong about those bonds; that they had been stolen, or tampered with in any way.

I received for the sale of those bonds, all told, the sum of \$100. I was introduced to Mr. Peterson, by

Mr. Clute, as we were walking down Broadway. It was a year or so ~~ago~~ before this transaction. Clute said that Peterson was a friend of his and a lawyer.

The next timw I saw Peterson was in the Real Estate Exchange, about a month after; he was alone, and he spoke to me. We talked for three orfour minutes, but it was all ordinary conversation.

X The third time I met him again in the Real Estate Exchange, and he spoke to me about some mines stock, in Pennsylvania, and he asked me if I would draw some transfer of stock, some paper of some kind. I remember telling him that if he would come to the office, I would do all I could for him.

I drew the paper for him, in a private room right opposite the Real Estate Exchange, and I didn't ask any compensation of him, because he was a friend of Mr. Clute's.

A couple of months after that I met him in the Real Estate Exchange, and he consulted with me about the formation of some company for the issue of mining stock; he afterwards came to my office, 280 Broadway, but that matter fell through. He paid me \$10 for that transaction.

It was about the first of August, 1891, when he first spoke to me about the bonds, and up to this time I had not heard of such a bond. He wanted to know if I knew a firm of brokers down in Wall street, through whom he could sell a bond, and I told him that I did.

He didn't say anything of the character of the bond, except to say it was a Railroad bond. In two or three



days after that he came to the office, with this bond; he told me the name and the number, St. Louis and Iron Mountain Bond, No. 271.

I told him as I was going down that way, I would introduce him to a firm down in Wall street, and he said, "I would rather you would take the bond yourself". I told him I didn't desire to take the bond myself, but this did not occur to me as being a suspicious circumstance, because I had it in my mind to make inquiries of Mr. Walsh.

He retained the bond in his possession, and said, he would rather give me a power of attorney, and let me dispose of it myself. I took the bond, and then drew a power of attorney and gave it to him, and told him to come the next morning, because it was then late in the day, and I didn't suppose I would find a Notary.

My purpose in drawing that power of attorney was to have authority from him to sell the bond. He came back in the morning, with the paper executed as now; brought the bond, and then delivered both to me. He didn't give me any particular instructions, except to sell the bond, and he wanted it done as quickly as possible.

I went straight down to Walsh's with the bond and the power of attorney, and I told him that the bond had been given to me by a client of mine, and I asked him to look into the matter, and see if it was all right.

I returned the next day, but Mr. Walsh didn't give me any satisfaction at that time; he said he would look into the matter. I went away, but returned the same



day about three o'clock, and saw Mr. Walsh, Sr., but I didn't get any satisfaction then either.

I returned the following day, the 12th of August, and saw both father and son; they said the bond was all right enough. They suggested themselves that they would give \$900 for it. I told them I was not authorized to accept \$900 for the bond, but I would go and see Mr. Peterson, which I did. He said "I must have the money; go and take it."

When I went back, a check was drawn to my order for \$1,035, and I discovered that there was to be an arrangement by which a check of \$1,035 would be drawn, which I endorsed. I went to the bank with the young man, Walsh and when the money came into my hands, I immediately passed \$135 over to young Walsh, and I kept \$900 myself.

I allowed the transaction to go through, notwithstanding the fact that I discovered that they were profiting to that extent out of the bond, but Peterson directed me to do it, with the knowledge of the fact.

I regard to the second bond, there was no complaint on my part, or anybody's part as to the transaction. Checks were drawn for \$900, or somewhere in that neighborhood, and the reason was, when I had money in my pocket and made the difference, I simply drew enough, knowing what I had in my pocket.

It was his money in my bank, and he wanted cash, so instead of drawing a check to his order, I would make it up in the manner described.

Mr. Peterson was rather tall, nearly six feet, ~~rather~~ rather slim, spare in build, white hair, a little white mustache, and white chin whiskers.

When I told Peterson what the Walsh's offered for the first bond, he said that it was worth more than the face of it; it was a sacrifice to let them have it.

A M B R O S E H. P U R D Y, a witness called on behalf of the Defense, being duly sworn, testified as follows:

D i r e c t E x a m i n a t i o n, by Mr. Haire:

I am an attorney and counsellor at law in the city of New York, and have been for years past. I know the defendant, William H. Schooley, and have known him a year or two. I have been acquainted with Abijah Richardson, probably twenty-five years; I knew him to be engaged in speculation in Real and personal property.

I don't think I have seen him for a year or two, but previous to that I used to see him often. He was a tall man; he had a Vandyke beard, rather a fine looking man, very plausible and quite a gentleman. During the twenty-five years that I knew him, his hair was getting grayer all the time.

I had a conversation with this man about one or two years ago, at my office, and William H. Schooley's name was mentioned.

W I L L I A M N O R T H, a witness called on behalf of the Defense, being duly sworn, testified as follows:

D i r e c t E x a m i n a t i o n, by Mr. Haire:



0995

41

I am an attorney and counsellor at law, and my office is at 202 Broadway. I formerly resided in Troy.

I am acquainted with the defendant, William H. Schooley, and have known him since the Fall of 1879. I met him in Troy, and at that time he was connected with McClellan & Alexander, in the practice of law.

I afterwards met this defendant in New York. I know people in Troy who knew Schooley, among them Judge Griffiths, and I also know people in New York who knew him; among these people his reputation for honesty and integrity has been good.

*Handwritten notes:*  
2/2/79  
H. Griffiths  
J. Schooley  
McClellan & Alexander  
Troy

*130/79*

**Court of General Sessions of the Peace**  
OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*William H. Schooley*

The Grand Jury of the City and County of New York, by this indictment, accuse

of the CRIME OF GRAND LARCENY IN THE  
as follows:

The said

*William H. Schooley*  
*first* DEGREE, committed  
*William H. Schooley*

late of the City of New York, in the County of New York aforesaid, on the *fourteenth*  
day of *December* in the year of our Lord, one thousand eight hundred and  
ninety- at the City and County aforesaid, with force and arms,

*four bonds and written obligations*  
*of the St. Louis and Iron Mountain*  
*Railroad Company, (a more particular*  
*description whereof is to the Grand Jury*  
*aforesaid unknown, of the value of one*  
*thousand dollars each*

of the goods, chattels and personal property of one

*Ellen M. Gay*

then and there being found, then and there feloniously did steal, take and carry away, against  
the form of the statute in such case made and provided, and against the peace of the People  
of the State of New York and their dignity.

0997

SECOND COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said

*William W. Schooley*  
of the CRIME OF CRIMINALLY RECEIVING STOLEN PROPERTY, committed as follows:

The said

*William W. Schooley*

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, with force and arms,

*four bonds and written obligations of the St. Louis and Iron Mountain Rail-Road Company, (a more particular description whereof is to the Grand Jury aforesaid unknown) of the value of one thousand dollars each,*

of the goods, chattels and personal property of one

*Ellen M. Gay*

by a certain person or persons to the Grand Jury aforesaid unknown, then lately before feloniously stolen, taken and carried away from the said

*Ellen M. Gay*

unlawfully and unjustly did feloniously receive and have; the said

*William W. Schooley*

then and there well known the said goods, chattels and personal property to have been feloniously stolen, taken and carried away, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

DE LANCEY NICOLL,

*District Attorney.*



0998

POOR QUALITY  
ORIGINAL

Witnesses:

Ellen M. Gay  
off Ryan

Bail reduced  
to \$3000 by  
consent of  
dist Atty

17 Sept 21/93 Jy.

Upon the written  
statement of the  
dist Atty and  
on all the submitted  
facts bail herein  
fixed at \$6000  
B.

Counsel,

Filed

day of

1893

Pleas

Feb 21/94 THE PEOPLE

William H. Schooley

{ 2 cases }

And found Nov 19/94  
DE LANCEY NICOLL,  
District Attorney.

Tried & convicted of  
Receiving Stolen Goods  
A TRUE BILL  
But pleading insanity

Nov 19/94  
S. P. 2 yrs & 1 mo  
Jan. 7/95 Foreman.

Grand Larceny, First Degree.  
[Sections 528, 529, 530 Penal Code.]

0999

Age..... Male  
Nativity..... 54  
Residence..... R. 4  
Occupation..... 301 W. 30th St  
Married or Single..... Lawyer  
{ Education..... Milford  
{ Religious Instruction..... Red Mills  
Parents Living..... Protestant  
Temperate or Intemperate..... No  
Before Convicted..... Temperate  
No.

Court of General Sessions of the Peace  
OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

William N. Schooley

The Grand Jury of the City and County of New York, by this

indictment accuse

William N. Schooley

of the crime of

Forgery in the first degree

committed as follows:

The said

William N. Schooley

late of the City of New York, in the County of New York aforesaid, on the

twelfth day of August in the year of our Lord one thousand

eight hundred and ninety-

one

at the City and County aforesaid,

with intent to defraud, did feloniously  
utter, dispose of and put off as true,  
a certain forged bond and written  
obligation purporting to be issued  
by the Saint Louis and Iron Mountain  
Rail Road Company, a body corporate  
then and there duly organized and  
existing under and by virtue of the  
laws of the State of Kansas, and  
purporting to promise and agree to  
the payment of money, and the

performance of certain acts, duties and obligations, the face of which said forged bond and written obligation, is as follows, that is to say:

1000 United States of America 1000  
State of Missouri

No. 271

\$1000  
The St. Louis and Iron Mountain  
Arkansas Branch  
Rail Road Company,  
First Mortgage Bond.

Know all men by these presents, that the St. Louis and Iron Mountain Rail Road Company are indebted to the bearer in the sum of One Thousand Dollars, lawful money of the United States of America, which the said Company promise to pay to the bearer hereof on the first day of June, in the year of our Lord 1895, at the Agency of said Company in the City of New York, with interest thereon from the first day of June A.D. 1870 at the rate of seven per cent. per annum payable semi-annually in Gold at their said Agency in the City of New York upon the first days of June and December in each and every year, upon presentation and surrender of the

annexed coupons as they severally become due - And the said Company further agree with the holder thereof that this obligation and all rights and benefits arising therefrom, may be transferred by general or special endorsement or by delivery, as if the same were a promissory note payable to bearer. This Bond is one of a series amounting in the aggregate to Two Million, Five Hundred Thousand Dollars, consisting of Two Thousand & Five Hundred Bonds of One Thousand Dollars Each, and numbered from One to Two Thousand Five Hundred inclusive, all of which are of like date and equally secured by deed of trust or mortgage dated the fifteenth day of April, in the year of Our Lord 1870, duly executed and recorded in the proper offices in the State of Missouri, and conveying to The Farmers Loan and Trust Company of New York, in trust, all the branch railway of the said Company extending from Pilot Knob to the State Line of Arkansas, now being constructed, and to be put in operations and owned by said Company within the said State of Missouri; together with all and singular the equipments, appurtenances, franchises and lands therein mentioned, as by reference thereto will more fully and at large appear.



This bond is to be valid only when authenticated by a <sup>endorsed</sup> certificate, hereon duly signed by the said Trustees  
 In Testimony Whereof, the said The St. Louis  
 and Iron Mountain Rail Road Company have caused  
 their Corporate Seal to be hereto affixed and the same  
 attested by the signatures of their President and Secretary,  
 and the Coupons annexed by the name of said Secretary,  
 on this fifteenth day of April A.D. 1870.

Wm. Allen

Secretary

Thos. Allen

President

and endorsed upon the back whereof, there was then  
 and there the certificate following, to wit:

"The Farmers Loan and Trust Company, by their  
 President, hereby certify that this Bond is one of a  
 series secured by a mortgage bearing date the  
 15th day of April, 1870, given to them by the St.  
 Louis and Iron Mountain Railroad Company  
 (Arkansas Branch) on property of said Rail Road  
 Company, described in said mortgage

R. G. Rolston

President

Let the said William H. Schooley then and there well  
 knowing the said bond and written obligation to  
 be forged; against the form of the Statute in such  
 case made and provided and against the peace  
 of the People of the State of New York and their dignity.

De Lancey Nicoll,

District Attorney

1004

**BOX:**

**534**

**FOLDER:**

**4866**

**DESCRIPTION:**

Seery, Joseph

**DATE:**

**09/29/93**



4866

1005

Witnesses:

Kathleen Cane  
offd McCulloch

Counsel,

Filed

29 day of

Sept 1893

Pleads

THE PEOPLE

vs.

Perfor

Officer L...

Joseph Seery

17/10/93

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Geo. J. ...

Foreman.

Reads ...  
On 329 Pen 2/yr.  
Ex 137/RS/M  
27 24 19 15

Burglary in the second degree.  
(Section 47, Penal Code)

1006

Police Court—3 District.City and County } ss.:  
of New York,of No. 619 East 9<sup>th</sup> Street, aged 58 years,  
occupation Grocerdeposes and says, that the premises No 619 East 9<sup>th</sup> Street,  
in the City and County aforesaid, the said being a dwellling the second  
floor ofand which was occupied by deponent as a dwelling  
and in which there was at the time a human being, by name deponent and  
several members of deponents family  
were BURGLARIOUSLY entered by means of forcibly opening the  
shutters in front of the rear windows  
leading into said premiseson the 23<sup>rd</sup> day of September 1893 in the night time, and the  
following property feloniously taken, stolen, and carried away, viz:with intent to commit some crime  
therein

the property of

and deponent further says, that he has great cause to believe, and does believe, that the aforesaid  
BURGLARY <sup>intention aforesaid</sup> was committed and the aforesaid property taken, stolen, and carried away byJoseph Saaryfor the reasons following, to wit: that said apartments  
were closed and locked and deponent  
and other members of deponents family  
were asleep in the rooms and deponent  
found the defendant entering the  
apartments through the windowSworn to before me  
this 23<sup>rd</sup> September, 1893 Nathan Lane  
John H. Borchers  
Police Justice

1007

Sec. 198—200.

3

District Police Court.

1882

City and County of New York, ss:

*Joseph Seery* being duly examined before the undersigned according to law, on the annexed charge; and being informed that it is his right to make a statement in relation to the charge against him; that the statement is designed to enable him, if he see fit, to answer the charge and explain the facts alleged against him; that he is at liberty to waive making a statement, and that his waiver cannot be used against him on the trial.

Question. What is your name?

Answer. *Joseph Seery*

Question. How old are you?

Answer. *17 years*

Question. Where were you born?

Answer. *New York*

Question. Where do you live, and how long have you resided there?

Answer. *10 Ave & 23 St. 8 months*

Question. What is your business or profession?

Answer. *laborer*

Question. Give any explanation you may think proper of the circumstances appearing in the testimony against you, and state any facts which you think will tend to your exculpation.

Answer. *I am not guilty*  
*Joseph Seery*

Taken before me this

23

day of

September 1893

John H. McArthur  
Police Justice.



1008

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named \_\_\_\_\_

Alfred  
guilty thereof, I order that he be held to answer the same, and he be admitted to bail in the sum of Five Hundred Dollars, \_\_\_\_\_ and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

Dated, Sept 23 1893 John R. Woodis Police Justice.

I have admitted the above-named \_\_\_\_\_  
to bail to answer by the undertaking hereto annexed.

Dated, \_\_\_\_\_ 189 \_\_\_\_\_ Police Justice.

There being no sufficient cause to believe the within named \_\_\_\_\_  
\_\_\_\_\_ guilty of the offense within mentioned, I order h to be discharged.

Dated, \_\_\_\_\_ 189 \_\_\_\_\_ Police Justice.

1009

Police Court---

3

District.

1013

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Nathan Cape  
619 E 9th  
Joseph Steery

Offense  
Burglary

2  
3  
4

Dated, Sept 23 1893

Garbis Magistrate.

McBullough Officer.

13 Precinct.

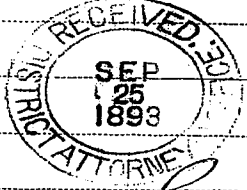
Witnesses officer

No. Street.

No. Street.

No. Street.

\$ 1000 to answer G.S.



Chen

Ch 329

Burg 2

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

10 10

463

**Court of General Sessions of the Peace**  
**OF THE CITY AND COUNTY OF NEW YORK.**

THE PEOPLE OF THE STATE OF NEW YORK

against

*Joseph Seery*

The Grand Jury of the City and County of New York, by this indictment, accuse

*Joseph Seery*  
of the CRIME OF BURGLARY in the *second* degree, committed as follows:

The said

*Joseph Seery*  
late of the *11th* Ward of the City of New York, in the County of New York aforesaid, on the *twenty-third* day of *September*, in the year of our Lord one thousand eight hundred and ninety *three* in the *night* time of the same day, at the Ward, City and County aforesaid, the dwelling house of one *Nathan Cane*

there situate, feloniously and burglariously did break into and enter, there being then and there a human being within the said dwelling house, with intent to commit some crime therein, to wit: the goods, chattels and personal property of the said *Nathan Cane*

in the said dwelling house then and there being, then and there feloniously and burglariously to steal, take and carry away,

against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

*De Lancey Nicoll,*  
*District Attorney*

10 1 1

**BOX:**

**534**

**FOLDER:**

**4866**

**DESCRIPTION:**

**Shea, Bernard**

**DATE:**

**09/27/93**



4866

10 12

**BOX:**

534

**FOLDER:**

4866

**DESCRIPTION:**

Gray, George

**DATE:**

09/27/93



4866



10 13

Witnesses:

J. W. McCarthy  
off Kehve

Counsel,

Filed

day of

1893

Pleads,

THE PEOPLE

vs.

Bernard Shea  
and  
George Tracy

Grand Larceny, Second Degree.  
[Sections 528, 529, Penal Code.]

Sept 20/93  
DE LANCEY NICOLL,

District Attorney.

A TRUE BILL,

Geo. Beominger

Ch 307

1 yr Pen

Foreman.

1014

1912

Police Court— District.

Affidavit—Larceny.

City and County { ss.  
of New York, }Thomas M. McCarthy  
of No. 61 Hudson Street, aged 42 years,  
occupation Grocerbeing duly sworn,  
deposes and says, that on the 18 day of September 1893 at the City of New  
York, in the County of New York, was feloniously taken, stolen and carried away from the possession  
of deponent, in the day time, the following property, viz:Eight tubs of Butter of the value of  
One hundred and twenty four dollars  
and lawful money of the United  
Statesthe property of Austin Nichols and Company of  
which firm deponent is a memberand that this deponent  
has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen  
and carried away by Bernard Shea (now here) and George Gray  
and Charles Runkel (not yet arrested) all three who were  
acting in concert with the other for the reasons  
following to wit: that upon said date the said Gray  
who was a driver in deponent's employ received for  
deponent's firm at St. John's Freight Depot the  
aforesaid property and was to deliver the same to  
deponent's place of business. The said Gray  
did not deliver said property at deponent's place  
of business and deponent is informed by Thomas  
McKee of the 5th Precinct that the defendant Shea  
admitted to him McKee that on the said 18th day of  
September he together with the defendant Gray received  
said Butter at the aforesaid freight depot and  
they together sold the same to Charles RunkelSworn to before me, this  
of 1893 day

Police Justice.

10 15

a price at 273 Canal Street for thirty dollars.  
 Defendant is further informed by Thomas F. Kehoe  
 that the said Runkel told him Kehoe that the  
 said Walter could be found at a storage warehouse  
 situated at 35 and 37 North Moore Street.  
 Defendant is further informed by George E. Perlee  
 of 61 Hudson Street that he has visited the aforesaid  
 storage warehouse and seen the said boxes of  
 Walter and identifies it as defendant's property.  
 Wherefore defendant charges the said Shea and  
 Gray with Grand Larceny and the said Runkel  
 with receiving stolen property.

Wm. McCarthy

Sworn to before me this  
 21<sup>st</sup> day of September 1893

Wm. McCarthy  
 Police Justice

10 16

Sec. 198—200.

District Police Court.

CITY AND COUNTY }  
OF NEW YORK } ss.

*Bernard Shea* being duly examined before the under-  
signed according to law, on the annexed charge; and being informed that it is *h* right to  
make a statement in relation to the charge against *h*; that the statement is designed to  
enable *h* if he see fit to answer the charge and explain the facts alleged against *h*  
that *he* is at liberty to waive making a statement, and that *h* waiver cannot be used  
against *h* on the trial.

Question. What is your name?

Answer.

*Bernard Shea*

Question. How old are you?

Answer.

*34 years*

Question. Where were you born?

Answer.

*U. S.*

Question. Where do you live, and how long have you resided there?

Answer.

*389 Washington Street. 3 months*

Question. What is your business or profession?

Answer.

*Driver -*

Question. Give any explanation you may think proper of the circumstances appearing in the  
testimony against you, and state any facts which you think will tend to your  
exculpation?

Answer.

*I am guilty*

*Bernard Shea*

Taken before me this

day of

March

1934

at

City of New York

Police Justice.

Police Justice.

10 17

CITY AND COUNTY }  
OF NEW YORK, } ss.

Thomas H. Kehoe  
aged 35 years, occupation Police man of No. 2<sup>nd</sup> Precinct Street, being duly sworn, deposes and

says, that he has heard read the foregoing affidavit of Thomas M. Mc Carthy  
and that the facts stated therein on information of deponent are true of deponent's own  
knowledge.

Sworn to before me this, 21 } Thomas H. Kehoe  
day of September 1893

[Signature]  
Police Justice.



10 18

CITY AND COUNTY }  
OF NEW YORK, } ss.

aged 49 years, occupation Driver of No. 61 Hudson Street, being duly sworn, deposes and

says, that he has heard read the foregoing affidavit of Thomas M. McCarty  
and that the facts stated therein on information of deponent are true of deponent's own  
knowledge.

Sworn to before me this, 21  
day of Sept 189 2

G. E. Perlee

[Signature]  
Police Justice.

10 19

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named

Defendant  
guilty thereof, I order that he be held to answer the same, and he be admitted to bail in the sum of \$100 Hundred Dollars, and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

Dated, Sept 21 1893 James H. Smith Police Justice.

I have admitted the above-named  
to bail to answer by the undertaking hereto annexed.

Dated, \_\_\_\_\_ 189 \_\_\_\_\_ Police Justice.

There being no sufficient cause to believe the within named  
guilty of the offense within mentioned, I order h to be discharged.

Dated, \_\_\_\_\_ 189 \_\_\_\_\_ Police Justice.

1020

153

1027

Police Court---

District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Thomas M. McCarthy  
61 Hudson

1. Bernard Shea

2. George Gray

3. Charles Runkel

4. no indictment separately

Offense Grand Larceny & Receiving Stolen Property

Dated,

Sept 21

1893

Martin

Magistrate.

Kelce

Officer.

Precinct.

Witnesses

Thomas F. Kelce

No.

5th Precinct

Street.

George E. Perlee

No.

61 Hudson

Street.

#1. Arrested

No.

1000

to answer

G.S.

Street.

Mo. committed

cto 307  
308



BAILED,

No. 1, by

Residence

Street.

No. 2, by

Residence

Street.

No. 3, by

Residence

Street.

No. 4, by

Residence

Street.

Court of General Sessions of the Peace  
OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Bernard Shea  
and  
George Gray

The Grand Jury of the City and County of New York, by this indictment, accuse  
Bernard Shea and George Gray  
of the CRIME OF GRAND LARCENY IN THE second DEGREE, committed  
as follows:

The said Bernard Shea and  
George Gray, both  
late of the City of New York, in the County of New York aforesaid, on the Eighteenth  
day of September in the year of our Lord, one thousand eight hundred and  
ninety-three at the City and County aforesaid, with force and arms,

Eight tubs of butter of the  
value of fifteen dollars  
each tub

of the goods, chattels and personal property of one

Thomas M. McCarthy

then and there being found, then and there feloniously did steal, take and carry away, against  
the form of the statute in such case made and provided, and against the peace of the People  
of the State of New York and their dignity.

De Lancey Nicoll  
District Attorney

1022

**BOX:**

534

**FOLDER:**

4866

**DESCRIPTION:**

Shevlin, James

**DATE:**

09/07/93



4866



1023

Witnesses :

Counsel,

Filed

Pleads,

day of

1893

THE PEOPLE

vs.

James Shevlin

Grand Larceny, Second Degree.  
(From the Person.)  
[Sections 638, 639, Penal Code.]

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

E. W. Broome  
Foreman.

Sept 17/93  
dischd on his own  
recorp B.

1024

Court of Gen Sessions  
The People  
v  
James Shevlin

REPORT OF THE NEW YORK SOCIETY FOR  
THE PREVENTION OF CRUELTY  
TO CHILDREN.

No. 297 FOURTH AVENUE,  
(Corner East 23d Street,)

New York, Sept 6<sup>th</sup> 1893

CASE NO. 75103 OFFICER Kallab  
DATE OF ARREST August 31 21  
CHARGE Larceny from the Person

AGE OF CHILD 18 years  
RELIGION Catholic  
FATHER Philip - dead  
MOTHER Mary  
RESIDENCE 479 Pearl St.

AN INVESTIGATION BY THE SOCIETY SHOWS THAT

Society  
has no record of boy having  
been arrested before, mother  
appears to be a respectable hard  
working woman & has a fairly  
comfortable home.

All which is respectfully submitted,

To Dist. Atty.

Respectfully submitted,  
 O. Lowell Jenkins  
 right

Report of  
for Sessions

The People

V

James Cheverlin

Report of the New York Society  
for the Prevention of Cruelty  
to Children.

Report of the New York Society  
for the Prevention of Cruelty  
to Children.

ELBRIDGE T. GERRY,

President, &c.,

No. 297 Fourth Avenue,

Corner East 23d Street,

NEW YORK CITY.

1025

1026

1912

Police Court— District.

Affidavit—Larceny.

City and County } ss.  
of New York,George Daniels  
of No. 435 5th Avenue, New York Street, aged 11 years,  
occupation School Boybeing duly sworn,  
deposes and says, that on the 31st day of August 1899 at the City of New

York, in the County of New York, was feloniously taken, stolen and carried away from the possession

person of deponent, in the day time, the following property, viz:

One silver coin of the  
value ofTwenty five cents.  
(25¢)

the property of

Deponent

Sworn to before me, this  
1899 day

Police Justice.

and that this deponent  
has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen  
and carried away by James Sheridan (nowhere) for the reasons to wit on  
said day deponent had the said  
property in the outside left pocket of  
the coat he had on, and was standing  
in Park Row when defendant  
came up to him and placing his  
hand in said pocket took said  
property therefrom and ran away.  
Said deponent is informed by William  
J. O'Connor a police officer of the  
City hall park that he arrested said  
defendant and when said O'Connor  
asked him the defendant what  
he did with the money, defendant

replied he didn't have it, and thereupon  
 defendant dropped said money,  
 in front of him, and defendant fully  
 identified said defendant and  
 charged him with the money of said

Sworn to before me this 31<sup>st</sup> day of August, 1903  
 George Daniels,  
 Notary Public



1028

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Murphy J. O'Connor*  
aged 32 years, occupation Police Officer of No.

*City Hall* Street, being duly sworn, deposes and

says, that he has heard read the foregoing affidavit of *George R. O'Connell*

and that the facts stated therein on information of deponent are true of deponent's own

knowledge.

Sworn to before me this, *31<sup>st</sup>*

day of *August* 189 *3*

*William J. O'Connor*

*William J. O'Connor*  
Police Justice.

1029

Sec. 198-200.

CITY AND COUNTY }  
OF NEW YORK, } ss.

District Police Court.

*James Shepley* being duly examined before the undersigned according to law, on the annexed charge; and being informed that it is his right to make a statement in relation to the charge against him; that the statement is designed to enable him if he see fit to answer the charge and explain the facts alleged against him that he is at liberty to waive making a statement, and that his waiver cannot be used against him on the trial.

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

Question. Where do you live, and how long have you resided there?

Answer.

Question. What is your business or profession?

Answer.

Question. Give any explanation you may think proper of the circumstances appearing in the testimony against you, and state any facts which you think will tend to your exculpation?

Answer.

*James Shepley*  
Subscribed and sworn to before me this 11th day of March 1934  
at New York City

Police Justice.

1030

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named

John Reverend guilty thereof, I order that he be held to answer the same, and he be admitted to bail in the sum of Five Hundred Dollars, and it appearing that he is under the age of sixteen years, that he be committed to the custody of the New York Society for the Prevention of Cruelty to Children, until he give such bail.

Dated, Aug 31 189 3

John M. Martin Police Justice.

I have admitted the above-named to bail to answer by the undertaking hereto annexed.

Dated, \_\_\_\_\_ 189 \_\_\_\_\_

\_\_\_\_\_  
Police Justice.

There being no sufficient cause to believe the within named \_\_\_\_\_ guilty of the offense within mentioned, I order he to be discharged.

Dated, \_\_\_\_\_ 189 \_\_\_\_\_

\_\_\_\_\_  
Police Justice.

1031

92  
Police Court---

924  
District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*George R. Davis*  
*435 5th Ave*  
*James Sheehan*

Offense *Arson*

BAILED.

No. 1. by

Residence

Street

No. 2. by

Residence

Street

No. 3. by

Residence

Street

No. 4. by

Residence

Street

Date

*Aug 31*

189

Magistrate

Officer

Precinct

Witnesses

No.

No.

No.

to answer

Com. to S. P. C. C.

*297 4th Ave*  
*James Sheehan*  
*297 4th Ave*  
*James Sheehan*  
*297 4th Ave*  
*James Sheehan*



**Court of General Sessions of the Peace**  
OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*James Shevlin*

The Grand Jury of the City and County of New York, by this indictment, accuse

*James Shevlin*

of the CRIME OF GRAND LARCENY in the *second* degree, committed as follows:

The said

*James Shevlin*

late of the City of New York, in the County of New York aforesaid, on the *thirty first* day of *August* in the year of our Lord one thousand eight hundred and ninety-*three*, in the *day* time of the said day, at the City and County aforesaid, with force and arms,

*one silver coin of the United States of America, of the kind called quarter dollars, of the value of twenty-five cents*

of the goods, chattels and personal property of one *George Daniels* on the person of the said *George Daniels* then and there being found, from the person of the said *George Daniels* then and there feloniously did steal, take and carry away, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

*De Lancey Nicoll*  
*District Attorney*



1033

**BOX:**

534

**FOLDER:**

4866

**DESCRIPTION:**

Silverman, Samuel

**DATE:**

09/22/93



4866

1034

Witnesses:

Herman Chappin

~~Counsel~~

Filed

day of

1893

Pleads,

THE PEOPLE

vs.

Samuel Silberman

Robbery, Second Degree.  
(Sections 224 and 229 Penal Code)

DE LANCEY NICOLL,

District Attorney.

Part 3 Dec 14. 93 Rev.

A TRUE BILL.

EW. Bloomington

Part 3. Dec. 14. 1893 Foreman.

Tried and Acquitted  
ch 268

1035

Police Court— 3 District.CITY AND COUNTY } ss  
OF NEW YORK,of No. 146 Broughton Street, Aged 31 YearsOccupation Barber being duly sworn, deposes and says, that on the24 day of July 1883, at the 10 Ward of the City of New York, in the County of New York, was feloniously taken, stolen, and carried away, from the person of deponent by force and violence, without his consent and against his will, the following property, viz:One gold watch, chain and  
lockerof the value of Twenty three DOLLARS,  
the property of Deponent

and that this deponent has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen, and carried away, by force and violence as aforesaid by

Samuel Silverman (nowhere)  
under the following circumstances  
to wit: that at about 7 o'clock  
P.M. deponent while standing on  
Broughton Street near Suffolk Street  
was struck by the defendant and  
knocked down that while deponent  
was lying down on the sidewalk  
the defendant feloniously took and  
carried away the said property  
from a vest pocket of a vest  
that deponent was then and there  
wearing upon his personSamuel Silverman

day of

Sworn to before me, this

1883

J. M. McArthur Police Justice

1036

Sec. 198-200.

CITY AND COUNTY  
OF NEW YORK, } ss.

3 District Police Court.

*Samuel S. Sorman*

being duly examined before the under-  
signed according to law, on the annexed charge; and being informed that it is h right to  
make a statement in relation to the charge against h, that the statement is designed to  
enable h if he see fit to answer the charge and explain the facts alleged against h  
that he is at liberty to waive making a statement, and that h waiver cannot be used  
against h on the trial.

Question. What is your name?

Answer. *Samuel Sorman*

Question. How old are you?

Answer. *35 years*

Question. Where were you born?

Answer. *Romania*

Question. Where do you live, and how long have you resided there?

Answer. *136 Orchard St., 6 years*

Question. What is your business or profession?

Answer. *Jeweller*

Question. Give any explanation you may think proper of the circumstances appearing in the  
testimony against you, and state any facts which, you think will tend to your  
exculpation?

Answer. *I am not guilty -  
Sam Sorman*

Taken before me this  
day of *July* 189*3*

*John R. ...*

Police Justice.

1037

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named

Defendant  
guilty thereof, I order that he be held to answer the same, and he be admitted to bail in the sum of One Hundred Dollars, and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

Dated, July 25 1893

John R. Moorhead Police Justice.

I have have admitted the above-named defendant  
to bail to answer by the undertaking hereto annexed.

Dated, July 26 1893

John R. Moorhead Police Justice.

There being no sufficient cause to believe the within named

guilty of the offense within mentioned, I order h to be discharged.

Dated, \_\_\_\_\_ 1893

\_\_\_\_\_  
Police Justice.



1038

216 798

Police Court, 3 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Samuel Schuman  
146 Rivington  
157 1/2 Madison

2  
3  
4

Offense, Robbery

Dated, July 25 1893

Ward Magistrate.

Ward Officer.

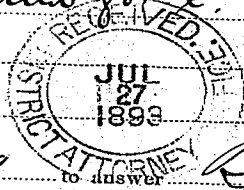
11 Precinct.

Witnesses Call Officer

No. \_\_\_\_\_ Street.

No. Bailed for Street.

No. \_\_\_\_\_ Street.



1000 to answer On 26

Bailed

BAILED,

No. 1, by Morris Kanzer  
Residence 46 Borsy Street.

No. 2, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

\$1000 for Ex: July 26 9 am.

1039

Sec. 192.

District Police Court.

Undertaking to appear during the Examination.

CITY AND COUNTY }  
OF NEW YORK, } ss.

An information having been laid before Hon John R. Voorhis Police Justice  
of the City of New York, charging Samuel Silverman Defendant  
with the offence of robbery

and he having been brought before said Justice for an examination of said charge, and it having been  
made to appear to the satisfaction of said Justice that said examination should be adjourned to some other  
day, and the hearing thereof having been adjourned,

WE, Samuel Silverman Defendant of No. 136 Orchard  
Street, by occupation a Jeweller; and  
Harris Kanner of No. 46 Forsyth Street,  
by occupation a Real estate dealer Surety, hereby jointly and severally undertake  
that the above-named Samuel Silverman Defendant  
shall personally appear before the said Justice, at the 3 District Police Court in the City  
of New York, during the said examination, or that we will pay to the People of State of New York the  
sum of Ten Hundred Dollars.

Taken and acknowledged before me this 25day of July189 3Sam SilvermanHarris KannerJohn R. Voorhis Police Justice.

1040

City and County of New York, ss.

Subscribed and sworn to before me this 22<sup>nd</sup> day of April 1893  
John H. McCarroll  
Police Justice.

Subscribed and sworn to before me this 22<sup>nd</sup> day of April 1893

the within named Bail and Surety, being duly sworn, says, that he is a resident and holder within the said County and State, and is worth twenty free Hundred Dollars, exclusive of property exempt from execution, and over and above the amount of all his debts and liabilities, and that his property consists of House and lot at 48 Allen Street New York City.

Harris Kanzer

District Police Court

THE PEOPLE, & O.,  
ON THE COMPLAINT OF

Undertaking to Answer.

vs.

Taken the ..... day of ..... 1893

Justice.

1041

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Samuel Silberman*

The Grand Jury of the City and County of New York, by this indictment, accuse

*Samuel Silberman*

of the CRIME OF ROBBERY in the *second* degree, committed as follows:

The said

*Samuel Silberman*

late of the City of New York, in the County of New York aforesaid, on the *24th* day of *July* in the year of our Lord one thousand eight hundred and ninety-*three*, in the *day* time of the said day, at the City and County aforesaid, with force and arms, in and upon one *Herrman Chapper* in the peace of the said People then and there being, feloniously did make an assault; and

*one watch of the value of fifty dollars, one chain of the value of twenty-five dollars, and one locket of the value of eighteen dollars*

of the goods, chattels and personal property of the said *Herrman Chapper* from the person of the said *Herrman Chapper* against the will and by violence to the person of the said *Herrman Chapper* then and there violently and feloniously did rob, steal, take and carry away,

against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

*Re Lancy Nicoll*  
*District Attorney*

1042

**BOX:**

534

**FOLDER:**

4867

**DESCRIPTION:**

Simone, Marie

**DATE:**

09/27/93



4867



1043

Witnesses:

*Samuel Jacobs*

The Complaint is based upon a quarrel between two women as regards to the conduct of child. In this case I am satisfied that no knife was used by deft & that no assault was committed by deft. The doctor whose certificate is annexed (Jackson H. Campbell) disposes of any claim that deft used a knife and goes further in saying that injuries which complainant claimed to have received through the assault were not then of recent origin.

I recommend deft's discharge on her own recognizance.

*ap 11 1894 Stephen J. Otware  
D.A. District*

Counsel,

Filed

day of

1893

Pleads

THE PEOPLE

vs.

*B*

*Maria Simons*

*Dec 15*

DE LANCEY NICOLL,

District Attorney

A TRUE BILL.

*Edw Bloomfield*

Foreman

*John sent to Woodlawn*

*No 298*

*Part I ap 13/94 Otware*

Assault in the First Degree, etc.  
(Sections 217 and 218, Penal Code.)

1044

Manhattan Police Court  
New York Sept 11<sup>th</sup> /893

Hon Thos L. Feltner

Justice of the Peace

Dear Sir.

I have this day examined  
Mrs F. Jacobowitz and find her entirely  
recovered from a slight wound on left  
Forehead. Wound must have been very  
slight as there never was any stitches put  
in, she also complains of a wound under  
the right eye which is ~~and~~ not of recent origin.  
It is my opinion that the woman was  
not cut with a knife.

Yours very Respt  
Jackson R Campbell

1045

Dr. Giuseppe Calvelli,

332 EAST 114TH STR. NEAR 1ST AVE.  
NEW YORK

New York Sept. 6<sup>th</sup> 1893

This is to certify that I examined yesterday evening Mrs Jacobs, who lives at No 2219 First Avenue and that I dressed her wounds in her head, one of them was inflicted by a knife.

Respectfully yours  
Dr. Giuseppe Calvelli  
332 E. 114<sup>th</sup> St.

Mrs Simone  
352 E 114<sup>th</sup> St

Officer 2830  
Mayer to be found at 442  
E 114<sup>th</sup> St.

1046

Police Court—5<sup>th</sup> District.City and County } ss.:  
of New York,

Fannie Jacobowitz  
 of No. 2219, 1<sup>st</sup> Avenue Street, aged 32 years,  
 occupation Keep House being duly sworn  
 deposes and says, that on the 5<sup>th</sup> day of September 1893 at the City of New  
 York, in the County of New York,

She was violently and feloniously ASSAULTED and BEATEN by Mr. Marie Simone  
 who cut and stabbed deponent in several places on  
 the head with a knife which she said defendant  
 held in her hand at about 9 o'clock P.M. on said  
 date and that said assault so committed was done

with the felonious intent to take the life of deponent, or to do him grievous bodily harm; and without  
 any justification on the part of the said assailant

Wherefore this deponent prays that he said assailant may be apprehended and bound to answer  
 for the above assault, etc., and be dealt with according to law.

Sworn to before me, this 6<sup>th</sup> day }  
 of September 1893 } Fannie Jacobowitz  
W. F. Feine Police Justice.

1047

Sec. 198-200.

CITY AND COUNTY } ss.  
OF NEW YORK,

5 District Police Court.

*Marie Simone* being duly examined before the under-  
signed according to law, on the annexed charge; and being informed that it is h (right to  
make a statement in relation to the charge against h ( ; that the statement is designed to  
enable h ( if he see fit to answer the charge and explain the facts alleged against h (   
that he is at liberty to waive making a statement, and that h ( waiver cannot be used  
against h ( on the trial.

Question. What is your name?

Answer.

*Marie Simone*

Question. How old are you?

Answer.

*43 years old*

Question. Where were you born?

Answer.

*Italy*

Question. Where do you live, and how long have you resided there?

Answer.

*114 St + 1 Ave Two months*

Question. What is your business or profession?

Answer.

*Keep house*Question. Give any explanation you may think proper of the circumstances appearing in the  
testimony against you, and state any facts which you think will tend to your  
exculpation?

Answer.

*I Am Not Guilty*  
*Marie Simone*  
*mark*

Taken before me this

day of

1937

Police Justice.



1048

Sec. 151.

Police Court

5<sup>th</sup> District.CITY AND COUNTY }  
OF NEW YORK, } ss.*In the name of the People of the State of New York; To the Sheriff of the County of New York, or any Marshal or Policeman of the City of New York, GREETING:*

Whereas, Complaint in writing, and upon oath, has been made before the undersigned, one of the Police Justices for the City of New York, by Jamie Jacobwitz  
 of No. 2219 1<sup>st</sup> Avenue Street, that on the 5<sup>th</sup> day of September  
 1893 at the City of New York, in the County of New York,  
 he was violently And feloniously Assaulted and Beaten by Mrs. Marie Simone

Wherefore, the said Complainant has prayed that the said Defendant may be apprehended and around to answer the said complaint.

These are, therefore, in the name of the PEOPLE of the State of New York, to command you, the said Sheriff, Marshals and Policemen, and every of you, to apprehend the said Defendant and forthwith bring him before me, at the said DISTRICT POLICE COURT in the said City, or in case of my absence or inability to act, before the nearest or most accessible Police Justice in this City, to answer the said charge, and be dealt with according to law.

Dated at the City of New York, this 6<sup>th</sup> day of September 1893

Marie Simone Police Justice.

1049

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named

*Defendant*

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of *Ten* Hundred Dollars, and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

Dated *Sept 18* 189 *3* *Thos. F. Litten* Police Justice.

I have admitted the above-named

*Defendant*

to bail to answer by the undertaking hereto annexed.

Dated *Sept 19* 189 *3* *Thos. F. Litten* Police Justice.

There being no sufficient cause to believe the within named

guilty of the offence within mentioned. I order h to be discharged.

Dated 189 Police Justice.

1050

Sept 8 Sept 11/93 at 9 am  
 \$1000 bail  
 Case to 9 Sept/93 at  
 9 am  
 Case to 11 Sept/93 at  
 9 am  
 Case to 18 Sept/93 at  
 9 am

BAILIFF  
 No. 1, by \_\_\_\_\_  
 Residence \_\_\_\_\_ Street \_\_\_\_\_  
 No. 2, by Antonio G. Duca  
 Residence 435 East 113 Street \_\_\_\_\_  
 No. 3, by \_\_\_\_\_  
 Residence \_\_\_\_\_ Street \_\_\_\_\_  
 No. 4, by \_\_\_\_\_  
 Residence \_\_\_\_\_ Street \_\_\_\_\_

The Magistrate  
 presiding in my  
 absence will hear and  
 determine this case and  
 take bail if necessary

Police Justice

Police Court--- 5th District. 1001

THE PEOPLE, &c.,  
 ON THE COMPLAINT OF  
Fannie Jacobson  
132 Ave C  
Mr. Moneymone  
 1 \_\_\_\_\_  
 2 \_\_\_\_\_  
 3 \_\_\_\_\_  
 4 \_\_\_\_\_

Assault  
 (Felony)  
 Offence

Dated September 10 1893  
 Magistrate.  
Off. J. J. [unclear]  
Off. [unclear]  
Off. [unclear]

Witnesses  
 No. 2228 Street \_\_\_\_\_  
Complained man  
res. 411 East 11th  
 No. 411 East 11th Street \_\_\_\_\_  
Dr. Cabelli  
332 East 11th  
 No. \_\_\_\_\_ Street \_\_\_\_\_  
 \$ 1,000 to answer

RECEIVED  
 DISTRICT CLERK  
 1893  
Filed  
298

**Court of General Sessions of the Peace**  
OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Marie Simone*

The Grand Jury of the City and County of New York, by this indictment, accuse

*Marie Simone*

of the CRIME OF ASSAULT IN THE FIRST DEGREE, committed as follows:

The said

*Marie Simone*

late of the City of New York, in the County of New York aforesaid, on the *fifth* day of *September* in the year of our Lord one thousand eight hundred and ninety-*three*, with force and arms, at the City and County aforesaid, in and upon the body of one *Fanny Jacobwitz* in the peace of the said People then and there being, feloniously did make an assault, and *her* the said *Fanny Jacobwitz* with a certain *knife*

which the said *her*

*Marie Simone*

in *her* right hand then and there had and held, the same being a deadly and dangerous weapon, then and there wilfully and feloniously did strike, beat, cut, stab and wound,

with intent

*her*

the said

*Fanny Jacobwitz*

thereby then and there feloniously and wilfully to kill, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

SECOND COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said

*Marie Simone*

of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said

*Marie Simone*

late of the City and County aforesaid, afterwards, to wit: On the day and in the year aforesaid, at the City and County aforesaid, with force and arms, in and upon the body of the said *Fanny Jacobwitz* in the peace of the said People then and there being, feloniously did wilfully and wrongfully make another assault, and *her* the said *Fanny Jacobwitz*

with a certain

*knife*

*Marie Simone*

which the said *her*

in *her* right hand then and there had and held, the same being a weapon and an instrument likely to produce grievous bodily harm, then and there feloniously did wilfully and wrongfully strike, beat, cut, stab and wound, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

## THIRD COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said

*Maria Simone*

of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said

*Mary Simone*

late of the City and County aforesaid, afterwards, to wit: On the day and in the year aforesaid, at the City and County aforesaid, with force and arms, in and upon the said *Fanny Jacobowitz* in the peace of the said People then and there being, feloniously did wilfully and wrongfully make another assault, and *her* the said

with a certain *knife*— *Fanny Jacobowitz*

which *she* the said *Maria Simone*

in *her* right hand then and there had and held, in and upon the *head* of *her* the said *Fanny Jacobowitz*

then and there feloniously did wilfully and wrongfully strike, beat, stab, cut, ~~bruise~~ and wound, and did then and there and by the means aforesaid, feloniously, wilfully and wrongfully inflict grievous bodily harm upon the said

*Fanny Jacobowitz*

against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

DE LANCEY NICOLL,

*District Attorney.*



1053

**BOX:**

534

**FOLDER:**

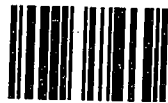
4867

**DESCRIPTION:**

Skinner, Peter

**DATE:**

09/08/93



4867

1054

Witnesses:

*Off Anderson*

*James Woodruff*  
*14 mos -*

*Brooklyn Iron Co*

*Port & M. Co*  
*Cor Leon & Susan*  
*Boyer.*  
*Petrick Foreman*

*Grain Elevator N.*  
*Hudson River &*  
*601 St. Bernard*  
*Lohill -*

Counsel,

Filed *8<sup>th</sup>* day of *Sept* 189*3*

Pleads:

*Guilty*  
THE PEOPLE

vs.

*Peter Skinner*

*Assault in the Second Degree,*  
*(Resisting Arrest.)*  
*(Section 218, Penal Code.)*

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

*E. H. Thompson*  
*Sept 24/93* Foreman.

*Thompson*  
*Do 90*

*4 mos pen*  
*Sept 29/93*

1055

1012

Police Court— District.

Affidavit—Larceny.

City and County of New York, ss.

of No. 111 West 10th Street, aged 24 years, occupation Clerk, or

deposes and says, that on the 1st day of Sept 1891 at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, at the time, the following property, viz:

Two Cases of Teachers the Value of Twenty Cents

of James D. Miller (in care of Dependent at the time)

and that this deponent has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen and carried away by Peter James (name here)

for the reason that deponent saw said property in Dependent's possession. Therefore Dependent was charged said Dependent with taking, stealing and carrying away said property and says that he is well acquainted with all the said facts.

Michael Foley

Subscribed and sworn to before me this 1st day of Sept 1891

Wm. J. Brady Police Justice.

1056

Sec. 198-200.

CITY AND COUNTY }  
OF NEW YORK } ss:

14 District Police Court.

*Peter Skinner*  
signed according to law, on the annexed charge, and being informed that it is his right to make a statement in relation to the charge against him, that the statement is designed to enable him, if he sees fit, to answer the charge and explain the facts alleged against him, that he is at liberty to waive making a statement, and that his waiver cannot be used against him on the trial.

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

Question. Where do you live and how long have you resided there?

Answer.

Question. What is your business or profession?

Answer.

Question. Give any explanation you may think proper of the circumstances appearing in the testimony against you, and state any facts which you think will tend to your exculpation.

Answer.

*Peter Skinner*

Taken before me this

day of

189

Police Justice.

1057

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named \_\_\_\_\_

\_\_\_\_\_ guilty thereof, I order that he be held to answer the same, and he be admitted to bail in the sum of \_\_\_\_\_ Hundred Dollars, \_\_\_\_\_ and be committed to the Warden and Keeper of the City Prison of the City of New York until he give such bail.

Dated, Sept 21 189

W. J. Hendon Police Justice.

I have admitted the above-named \_\_\_\_\_ to bail to answer by the undertaking hereto annexed.

Dated, \_\_\_\_\_ 189

\_\_\_\_\_ Police Justice.

There being no sufficient cause to believe the within named \_\_\_\_\_ guilty of the offense within mentioned, I order h \_\_\_\_\_ to be discharged.

Dated, \_\_\_\_\_ 189

\_\_\_\_\_ Police Justice.



1058

**BAILED,**

No. 1, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 2, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 3, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 4, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

B.O. 939  
Police Court-- District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

2 \_\_\_\_\_  
3 \_\_\_\_\_  
4 \_\_\_\_\_  
Dated, Sept 2 1893  
Grady \_\_\_\_\_ Magistrate.  
Anderson \_\_\_\_\_ Officer.  
J.H. \_\_\_\_\_ Precinct.

Witnesses \_\_\_\_\_

No. \_\_\_\_\_ Street.

No. \_\_\_\_\_ Street.

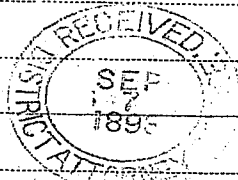
No. \_\_\_\_\_ Street.

\$ 500 to answer J.S.

Comer

\$500 & Sept. 4. 1893.

113 11 6-11-9



1059

Police Court—4 District.

1031

City and County } ss.:  
of New York,

Thomas Anderson  
of No. 24 Precinct Street, aged        years,  
occupation Officer being duly sworn,  
deposes and says, that on the 1 day of September 1893 at the City of New  
York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by

Peter Skinner, known here, who  
while deponent was in discharge  
of his duty in full uniform and  
in the act of arresting the defendant  
for having committed a larceny  
struck deponent in the mouth  
with a can of pinches, which  
he then and there held in his hand.  
Deponent further says  
that such assault was committed

with the felonious intent to ~~take the life of deponent, or to~~ do him grievous bodily harm; and without  
any justification on the part of the said assailant.

Wherefore this deponent prays that the said assailant may be apprehended and bound to answer  
for the above assault, etc., and be dealt with according to law.

Sworn to before me, this 4 day  
of Sept 1893

Thomas Anderson

[Signature]  
Police Justice.

1060

Sec. 193-200.

CITY AND COUNTY } ss.  
OF NEW YORK }

4 District Police Court.

*Peter Stimmer* being duly examined before the undersigned according to law, on the annexed charge; and being informed that it is his right to make a statement in relation to the charge against him, that the statement is designed to enable him if he see fit to answer the charge and explain the facts alleged against him, that he is at liberty to waive making a statement, and that his waiver cannot be used against him on the trial.

Question. What is your name?

Answer. *Peter Stimmer*

Question. How old are you?

Answer. *35 years*

Question. Where were you born?

Answer. *New York City*

Question. Where do you live, and how long have you resided there?

Answer. *101 West 100th St 3 mos*

Question. What is your business or profession?

Answer. *Iron Worker*

Question. Give any explanation you may think proper of the circumstances appearing in the testimony against you, and state any facts which you think will tend to your exculpation?

Answer. *I am not guilty*

*Peter Stimmer*

Taken before me this  
day of *Sept* 189*3*

Police Justice

1061

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named

Alfred  
guilty thereof, I order that he be held to answer the same, and he be admitted to bail in the sum of five Hundred Dollars, and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.  
Dated, Sept 3 1893 Stegan Police Justice.

I have admitted the above-named  
to bail to answer by the undertaking hereto annexed.

Dated, \_\_\_\_\_ 189 \_\_\_\_\_ Police Justice.

There being no sufficient cause to believe the within named  
guilty of the offense within mentioned, I order h to be discharged.

Dated, \_\_\_\_\_ 189 \_\_\_\_\_ Police Justice.

1062

Police Court---

920  
District

THE PEOPLE &c.  
ON THE COMPLAINT OF

*Max Anderson*  
vs.  
*Peter Skinner*

*H. Anderson*  
Officer

2  
3  
4

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Dated, *Sept 4* 189

*Ragan* Magistrate.

*Anderson* Officer.

*Off* Precinct.

Witnesses *Max Anderson*

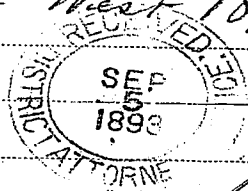
No. *136 West 101* Street.

No. Street.

No. Street.

\$ *500* to answer

*Coliver*





1063

New York City  
sept 27

This is to certify  
that Peter Skinner has  
worked for me on the  
Broad way Cable Rail  
Road and I allway found  
him sober faithfull and  
conducting in performance  
of his duty

John Hooly foreman  
of Jam workers  
Houston at  
Power House  
at Present

1064

BAPTIST CONGRESS.

WALTER RAUSCHENBUSCH, SEC'Y AND TREAS.,  
407 WEST 43<sup>d</sup> STREET, N. Y.

*The Hon. James Fitzgerald,  
Court of General Sessions*

1065

NEW YORK CENTRAL & HUDSON RIVER RAILROAD CO.

60TH STREET STATION,

OFFICE, 65TH STREET AND NORTH RIVER.

F. A. HASKELL, GENERAL AGENT.

C. S. WATERS, AGENT.

NEW YORK, Sept 27 1893.

to wome it may concern

This is to certify That Peter Skinner  
has worked for me about One year  
as Coker & Fire man & during that  
time I found him sober stedy &  
attentive to his work

Yours respectfully

Bernard Carroll

**Court of General Sessions of the Peace**  
OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Peter Skumier*

The Grand Jury of the City and County of New York, by this indictment, accuse

*Peter Skumier*

of the CRIME OF PETIT LARCENY, committed as follows:

The said *Peter Skumier*.

late of the City of New York, in the County of New York aforesaid, on the *first*  
day of *September*, in the year of our Lord one thousand eight hundred and  
ninety- *three* at the City and County aforesaid, with force and arms,

*two cans of peaches of the value of*  
*ten cents each can,*

of the goods, chattels and personal property of one

*James Butler*.

then and there being found, then and there unlawfully did steal, take and carry away, against  
the form of the statute in such case made and provided, and against the peace of the People  
of the State of New York and their dignity.

## SECOND COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said

*Peter Skinnier* —

of the CRIME OF CRIMINALLY RECEIVING STOLEN PROPERTY, committed as follows:

The said *Peter Skinnier*.

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, with force and arms,

*two cans of peaches of the  
value of ten cents each can,*

of the goods, chattels and personal property of one

*James Butler* —

by a certain person or persons to the Grand Jury aforesaid unknown, then lately before unlawfully stolen, taken and carried away from the said

*James Butler* —

unlawfully and unjustly did feloniously receive and have; the said

*Peter Skinnier* —

then and there well knowing the said goods, chattels and personal property to have been unlawfully stolen, taken and carried away, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

DE LANCEY NICOLL,

*District Attorney.*



1068

Witnesses:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

151

*Edward Graham*

Counsel,

Filed

day of

Pleads,

1893

*Wm. H. Smith*

THE PEOPLE

vs.

*P*

PETIT LARCENY.

Sections 528, 532 Penal Code.

*Peter Skinner*

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

*Wm. H. Smith*

Foreman.

**Court of General Sessions of the Peace**  
OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Peter Skinner*

The Grand Jury of the City and County of New York, by this indictment accuse

*Peter Skinner*

of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said

*Peter Skinner*

late of the City of New York, in the County of New York aforesaid, on the  
day of *September* in the year of our Lord one thousand eight hundred and  
ninety*three*, at the City and County aforesaid, with force and arms, feloniously made an  
assault in and upon one

*Thomas Anderson*

then and there being, a *patrolman* of the Municipal Police of the City of  
New York, and as such *patrolman* being then and there engaged in the lawful  
apprehension of *him*, the said  
*Peter Skinner*

and the said

*Peter Skinner*

him the said

*Thomas Anderson*

then and there feloniously did beat, strike, wound and otherwise illtreat, with intent then and there  
and thereby to prevent and resist the lawful  
of *him*, the said *Peter Skinner* as aforesaid,  
against the form of the statute in such case made and provided, and against the peace of the People  
of the State of New York and their dignity.

DE LANCEY NICOLL,

District Attorney.

10 70

**BOX:**

**534**

**FOLDER:**

**4867**

**DESCRIPTION:**

**Smith, Enoch**

**DATE:**

**09/08/93**



4867

1071

POOR QUALITY  
ORIGINAL

Witnesses:

Peter Salasermor

Counsel,

Filed

8<sup>th</sup> day of Sept

1893

Pleads,

THE PEOPLE

vs.

Enoch Smith

Cond. Sept 26/93  
DE LANCEY NICOLL

District Attorney

A TRUE BILL.

Edw. Brown

No. 86. Sept 26/93  
Plead. J. J. J.  
27th S.P. J.

Grand Larceny, First Degree.  
(DWELLING HOUSE.)

Sections 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

1072

Police Court— / District.

1912

Affidavit—Larceny.

City and County of New York, ss.

of No. 11 Washington Street, aged 28 years,  
 occupation Labrer being duly sworn,

deposes and says, that on the 25 day of August 1893 at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in the night time, the following property, viz:

Sixty five dollars gold and lawful money of the United States.

Sworn to before me this  
 of  
 the property of deponent

and that this deponent has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen and carried away by Cruck Smith for the reason that on said date deponent together with defendant were in a room at the aforesaid address. Deponent had the said money in the right hand pocket of his trousers. Deponent retired to bed and left the said trousers next to his bed. When he awoke the defendant was gone and the said money was missing. Deponent is informed by Peter Kalfelwicz of 72 Rivington Street that the defendant Smith admitted to him that he had stolen the deponent's sixty five dollars here before mentioned. Wherefore deponent charges the defendant with Grand Larceny and prays that he be apprehended and dealt with as the law may direct.

Anton Lissas  
 mmk

Police Justice.



1073

CITY AND COUNTY }  
OF NEW YORK, } ss.

aged 26 years, occupation Peter Salasewicz  
72 Livingston Street, being duly sworn, deposes and  
says, that he has heard read the foregoing affidavit of Antm Lissas  
and that the facts stated therein on information of deponent are true of deponent's own  
knowledge.

Sworn to before me this, 28  
day of August, 1893

} Peter Salasewicz  
Police Justice.

1074

*It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named* \_\_\_\_\_

*guilty thereof, I order that he be held to answer the same, and he be admitted to bail in the sum of* \_\_\_\_\_ *Hundred Dollars,* \_\_\_\_\_ *and be committed to the Warden and Keeper of*  
*the City Prison of the City of New York, until he give such bail.*

*Dated,* \_\_\_\_\_ *189* \_\_\_\_\_ *Police Justice.*

*I have admitted the above-named* \_\_\_\_\_  
*to bail to answer by the undertaking hereto annexed.*

*Dated,* \_\_\_\_\_ *189* \_\_\_\_\_ *Police Justice.*

*There being no sufficient cause to believe the within named* \_\_\_\_\_  
\_\_\_\_\_ *guilty of the offense within mentioned, I order h* \_\_\_\_\_ *to be discharged.*

*Dated,* \_\_\_\_\_ *189* \_\_\_\_\_ *Police Justice.*

1075

BAILED,

No. 1, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 2, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 3, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

No. 4, by \_\_\_\_\_

Residence \_\_\_\_\_ Street.

Police Court---

W 986  
District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Mdm Lissas

Enoch Smith

2 \_\_\_\_\_

3 \_\_\_\_\_

4 \_\_\_\_\_

Offense  
Lynch  
Hilary

Dated, August 28 189 3

Martin Magistrate.

Hahn Officer.

2 Precinct.

Witnesses Peter Salasewicz

No. 72 Rivington Street.

No. \_\_\_\_\_ Street.

No. \_\_\_\_\_ Street.

\$ \_\_\_\_\_ to answer G. S.

cho 86

# Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Enoch Smith*

The Grand Jury of the City and County of New York, by this indictment, accuse

*Enoch Smith*

of the CRIME OF GRAND LARCENY in the first degree, committed as follows:

The said

*Enoch Smith*

late of the *First* Ward of the City of New York, in the County of New York aforesaid,  
on the *25<sup>th</sup>* day of *August* in the year of our Lord  
one thousand eight hundred and ninety-*three* in the night time of the same day, at the  
Ward, City and County aforesaid, with force and arms,

*the sum of sixty-five dollars*  
*in money, lawful money of the*  
*United States of America, and*  
*of the value of sixty-five dollars*

of the goods, chattels and personal property of one *Anton Lissas*

in the dwelling house of the said *Anton Lissas*

there situate, then and there being found, from the dwelling house aforesaid, then and there  
feloniously did steal, take and carry away, against the form of the statute in such case made  
and provided, and against the peace of the People of the State of New York and their dignity.

*De Lancey McCall*  
*District Attorney*

1077

**BOX:**

534

**FOLDER:**

4867

**DESCRIPTION:**

Smith, Harry

**DATE:**

09/12/93



4867



*Foreman*

1079

Police Court 2 District.

Affidavit—Larceny.

City and County }  
of New York, } ss:William J. Mc Cormickof No. 16th PrecinctStreet, aged 34 years,occupation Policeman

being duly sworn,

deposes and says, that on the 20 day of August 1897 at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in the day time, the following property, viz:

Two suits of clothes, a pair of shoes  
three shirts and other property of the  
value of fifty dollars. \$50-

the property of

Deponent

and that this deponent

has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen and carried away by Henry Smith, now dead.

The said property was in a trunk in  
the storage warehouse of William Bovers  
now dead, and deponent was employed  
in said warehouse, and had access to  
said property, and deponent admitted  
in the presence of deponent and the  
said Bovers, that he deponent had  
broken open said trunk and stolen  
the said suit and pawned it at Dwyer's  
in West 11th Street under the name  
of Dickson, about August 26.

W. J. McCormick

Sworn to before me, this

day

1897  
Police Justice.

1080

Sec. 198-200.

CITY AND COUNTY OF NEW YORK, ss.

District Police Court.

*Henry Smith* being duly examined before the undersigned according to law, on the annexed charge; and being informed that it is his right to make a statement in relation to the charge against him; that the statement is designed to enable him (if he see fit to answer the charge and explain the facts alleged against him) that he is at liberty to waive making a statement, and that his waiver cannot be used against him on the trial.

Question. What is your name?

Answer. *Henry Smith*

Question. How old are you?

Answer. *22 years*

Question. Where were you born?

Answer. *N.Y.*

Question. Where do you live, and how long have you resided there?

Answer. *352 E 4th St. (month)*

Question. What is your business or profession?

Answer. *Driver*

Question. Give any explanation you may think proper of the circumstances appearing in the testimony against you, and state any facts which you think will tend to your exculpation?

Answer. *I have nothing to say*

*Henry Smith*

Taken before me this

day of

1897

Police Justice.

1081

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named \_\_\_\_\_

Henry Smith  
guilty thereof, I order that he be held to answer the same, and he be admitted to bail in the sum of ten Hundred Dollars, \_\_\_\_\_ and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.  
Dated, Sept 6. 1897 John L. [Signature] Police Justice.

I have admitted the above-named \_\_\_\_\_  
to bail to answer by the undertaking hereto annexed.

Dated, \_\_\_\_\_ 189 \_\_\_\_\_ Police Justice.

There being no sufficient cause to believe the within named \_\_\_\_\_  
\_\_\_\_\_ guilty of the offense within mentioned, I order h to be discharged.

Dated, \_\_\_\_\_ 189 \_\_\_\_\_ Police Justice.

1082

**BAILED,**

No. 1, by.....

Residence..... Street.

No. 2, by.....

Residence..... Street.

No. 3, by.....

Residence..... Street.

No. 4, by.....

Residence..... Street.

Police Court--- District. <sup>943</sup>

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

*Wm. Mc Cormick*  
*16 Precinct*  
*Henry Smith*

2.....  
3.....  
4.....

*Laney*  
Offense.....

Dated, *Sept 6* 1897

*Koch* Magistrate.

*Mc Cormick* Officer.

*16* Precinct.

Witnesses *Wm Bowers*

No. *223 West 17* Street.

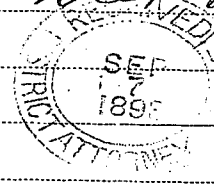
No. .... Street.

No. .... Street.

\$ *1000* to answer *G.S.*

.....

*No 110*





**Court of General Sessions of the Peace**  
OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*Harry Smith*

The Grand Jury of the City and County of New York, by this indictment, accuse

*Harry Smith*

of the CRIME OF GRAND LARCENY IN THE *second* DEGREE, committed as follows:

The said

*Harry Smith*

late of the City of New York; in the County of New York aforesaid, on the *twenty-sixth* day of *August* in the year of our Lord, one thousand eight hundred and ninety-*three*, at the City and County aforesaid, with force and arms,

*two coats of the value of ten dollars each, two vests of the value of five dollars each, two pairs of trousers of the value of five dollars each pair, one pair of shoes of the value of five dollars, three shirts of the value of one dollar each, and divers other goods, chattels and personal property (a more particular description whereof to the Grand Jury aforesaid unknown) of the value of ten dollars of the goods, chattels and personal property of one* *William J. McCormick*

then and there being found, then and there feloniously did steal, take and carry away, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

*De Lancey McCall*  
*District Attorney*

1084

**BOX:**

534

**FOLDER:**

4867

**DESCRIPTION:**

Smith, John

**DATE:**

09/08/93



4867

1085

Witnesses:

*Mr. Newcomb*

Counsel,

Filed

*8<sup>th</sup>* day of *Sept*

1893

Pleads,

THE PEOPLE

vs.

*John Smith*

*John*

DE LANCEY NICOLL,

District Attorney.

Burglary in the Third Degree.

*Section 493, N.Y. Penal Code, § 1.*

A TRUE BILL.

*Ed. Thompson*

*Sept 11/93*

Foreman.

*Charles D. Bodey*

*Ed. Thompson*

Police Court—2 District.

City and County }  
of New York, } ss.:

of No. 286 5th Avenue William Stenworth Street, aged 36 years,  
occupation Liquor being duly sworn

deposes and says, that the premises No 286 5th Avenue Street,  
in the City and County aforesaid, the said being a four story brick  
dwelling store floor up  
and which was occupied by deponent as a Liquor Saloon  
and in which there was at the time a human being, by name

were **BURGLARIOUSLY** entered by means of forcibly opening the  
blind and raising the sash of the  
window leading into the closet  
of the said premises.

on the 2<sup>nd</sup> day of September 1883 in the night time, and the  
following property feloniously taken, stolen, and carried away, viz:

Good and lawful money to the amount  
of two dollars and fifty five cents  
thirteen cigars and twenty six  
pieces of stamps all together of  
the value of five dollars  
(\$5-00)  
(2-55)

the property of Deponent

and deponent further says, that he has great cause to believe, and does believe, that the aforesaid  
**BURGLARY** was committed and the aforesaid property taken, stolen, and carried away by

John Smith (working)  
for the reasons following, to wit: that the said premises  
was securely locked and fastened  
at about one o'clock A.M.  
Deponent is informed by Officer  
Patrick Finn that at about 4 o'clock  
A.M. he caught the deponent in  
the act of coming out of the  
said premises when he placed  
the defendant under arrest

Defendant further says that the  
 Defendant acknowledged and  
 confessed of his own free will  
 in open Court and in the  
 presence of said Officer that  
 he burglariously entered the  
 said premises as a free man and  
 feloniously took state and crown  
 money the said property  
 Sum \$14.00  
 this 2 day of Sept 1893 } x William Heimioth  
 [Signature]  
 Police Justice

Police Court — District.

THE PEOPLE, &c.,  
 ON THE COMPLAINT OF

vs.

Burglary

Dated 188

Magistrate.

Officer.

Clerk.

Witnesses:

Committed in default of \$ Bail.

Bailed by

No. Street.

1088

CITY AND COUNTY }  
OF NEW YORK, } ss.

1877.

*Charles F. Fenn*  
aged *19* years, occupation *Boatman* of No. *19* Street, being duly sworn, deposes and

says, that he has heard read the foregoing affidavit of *Arthur H. H. H. H.*  
and that the facts stated therein on information of deponent are true of deponent's own  
knowledge.

Sworn to before me, this

day of

189

*Patrick J. Finn*

*[Signature]*  
Police Justice.



1089

Sec. 198-200.

CITY AND COUNTY }  
OF NEW YORK, } ss.

District Police Court.

*John Smith* being duly examined before the under-  
signed according to law, on the annexed charge; and being informed that it is *h* right to  
make a statement in relation to the charge against *h*; that the statement is designed to  
enable *h* if *h* see fit to answer the charge and explain the facts alleged against *h*  
that *h* is at liberty to waive making a statement, and that *h* waiver cannot be used  
against *h* on the trial.

Question. What is your name?

Answer. *John Smith*

Question. How old are you?

Answer. *19 years*

Question. Where were you born?

Answer. *New York*

Question. Where do you live, and how long have you resided there?

Answer. *W. Hume*

Question. What is your business or profession?

Answer. *Levvy*

Question. Give any explanation you may think proper of the circumstances appearing in the  
testimony against you, and state any facts which you think will tend to your  
exculpation?

Answer. *I am guilty -**John Smith*Taken before me this  
day of *July* 188*9*

Police Justice.

1090

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named.....

*Dependent*  
~~guilty thereof~~, I order that he be held to answer the same and he be admitted to bail in the sum of *ten* Hundred Dollars, and be committed to the Warden and Keeper of the City Prison of the City of New York, until he ~~give such bail~~.

Dated *Sept 2* 18*93* *[Signature]* Police Justice.

I have admitted the above-named.....  
to bail to answer by the undertaking hereto annexed.

Dated.....18..... Police Justice.

There being no sufficient cause to believe the within named.....  
.....guilty of the offence within mentioned. I order he to be discharged.

Dated.....18..... Police Justice.

109

9

921

Police Court---

2

District.

THE PEOPLE, &c.,

ON THE COMPLAINT OF

*William H. Hensworth*  
286 - 50 av  
*John Smith*

*Bayliss*  
Officer

2

3

4

BAILED,

No. 1, by .....

Residence ..... Street.

No. 2, by .....

Residence ..... Street.

No. 3, by .....

Residence ..... Street.

No. 4, by .....

Residence ..... Street.

Dated *Sept 2* 1893

*Hoyan* Magistrate.

*Ann* Officer.

*19* Precinct.

Witnesses *Call Officer*

No. .... Street.

No. .... Street.

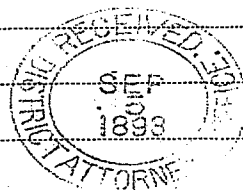
No. .... Street.

No. .... Street.

No. .... Street.

\$ *1000* to answer *GJ*

*Ann* No 68



**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

*John Smith*

The Grand Jury of the City and County of New York, by this indictment, accuse

*John Smith*

of the CRIME OF BURGLARY IN THE THIRD DEGREE, committed as follows:

The said

*John Smith*

late of the 18th Ward of the City of New York, in the County of New York, aforesaid, on the  
second day of September in the year of our Lord one  
thousand eight hundred and ninety-three in the night time of the same day, at the  
Ward, City and County aforesaid, a certain building there situate, to wit, the saloon of  
one William Hemsoth

there situate, feloniously and burglariously did break into and enter, with intent to commit some  
crime therein, to wit: with intent the goods, chattels and personal property of the said  
*William Hemsoth* in the said saloon  
then and there being, then and there feloniously and burglariously to steal, take and carry away,  
against the form of the statute in such case made and provided, and against the peace of the  
People of the State of New York and their dignity.

## SECOND COUNT—

And the Grand Jury aforesaid, by this indictment, further accuse the said

of the CRIME OF *Petit* LARCENY  
The said

committed as follows:

late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the Ward, City and County aforesaid, in the ~~night~~-time of said day, with force and arms,

the sum of two dollars and ninety five cents in money, lawful money of the United States of America, and of the value of two dollars and ninety-five cents, thirteen cigars of the value of ten cents each, and twenty <sup>United States</sup> six postage-stamps of the denomination and value of two cents each

of the goods, chattels and personal property of one

in the

of the said

there situate, then and there being found, in the aforesaid, then and there feloniously did steal, take and carry away, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

*De Lancey Nicoll*  
District Attorney

1094

**BOX:**

534

**FOLDER:**

4867

**DESCRIPTION:**

Smith, Theodore

**DATE:**

09/07/93



4867



1095

**BOX:**

534

**FOLDER:**

4867

**DESCRIPTION:**

McCormack, Charles

**DATE:**

09/07/93



4867

1096

**BOX:**

534

**FOLDER:**

4867

**DESCRIPTION:**

Meyer, Henry

**DATE:**

09/07/93



4867

POOR QUALITY  
ORIGINAL

Witnesses:

THIRD DEGREE

Counsel,

Filed

day of

1893

Pleads,

THE PEOPLE

31 96 10th St

vs

Theodore Smith

Charles McCann

42 96 10th St

Henry Meyer

Burglary in the Third Degree.

Section 486, 526, 528, 532.

Part 2 - For 1st LANCEY NICOLL,

District Attorney.

Part 1 & 3 Trial and convicted  
of Petit Larceny with various  
circumstances & Energy.

A TRUE BILL.

Geo. Bloomer

Foreman.

Sept 7/93

For Pleads Jury 31st

Part 1 & 3 Trial

W. E. R. 1893

New York, November 4<sup>th</sup> 1893.

To the Hon. John Fitzgerald, Esq.

Dear Sir -

Pardon me, your Hon., in saying a kind word for Charles Mathre to be sentenced on Monday, November 6<sup>th</sup> 1893. The sorrow of a heart-broken father, the tears of a loving mother dictate these lines into my pen.

I have been acquainted with the unfortunate boy's parents for a number of years. They are respectable and well known citizens in this neighborhood. Two of their children still attend our Sabbath School. I am sure it was not a premeditated crime Charles Mathre committed: it was a deed to which he was inspired by reading dime novels and associating with bad company.

In the name of his poor parents and in the name of humanity I take the liberty to ask your Hon. to show mercy to this unfortunate young man and give him a chance in some way, your Hon. deems best to reform.

343 E. 84<sup>th</sup> St.

Very truly  
Rev. S. L. L. L.

1099

Franz Schubert Männerchor.  
VERSAMMLUNG-SLOKAL:  
1407 Second Ave.  
VEREINS-ABEND JEDEN SAMSTAG.

New York, @ November 5<sup>th</sup> 1893

To whom it may concern.

Mr. Chas. Kethke is a good standing member  
of our society and is known in Yorkville as a  
high respectable citizen and business man of good  
standing and character.

C. Schettinger

1. Vice-President.

GLUED PAGE

1100

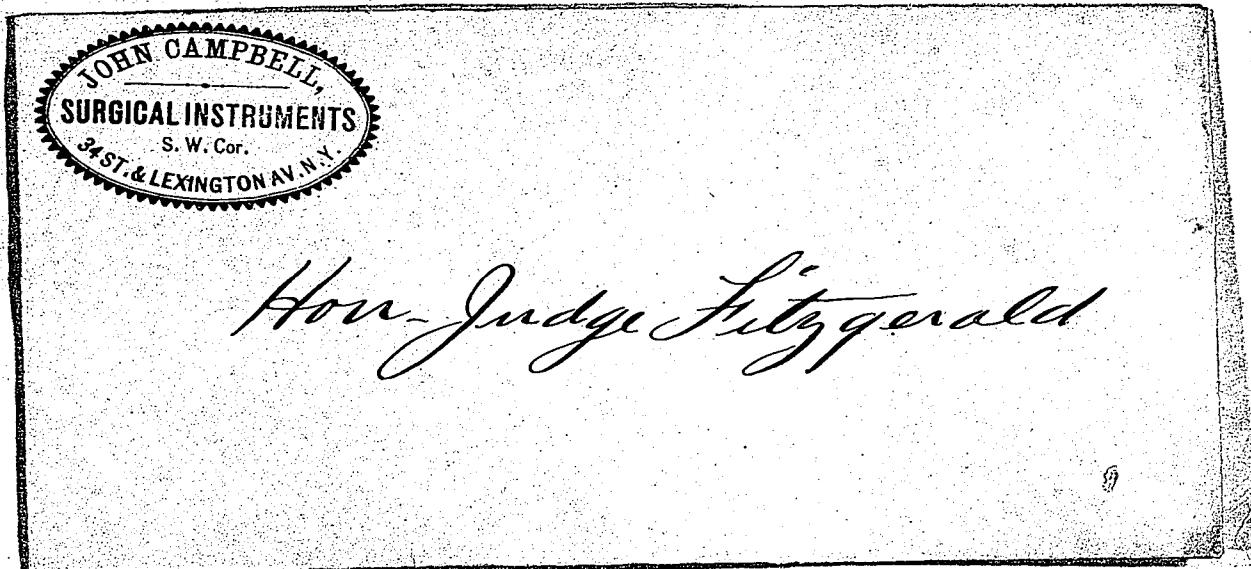
are by Certificate that  
Charles Metke worked for  
me several times as a painter  
and I was full satisfied with  
him, in Character and diligence

Yours Respect

J. J. H. Vilem  
1521. 1. 9m



1101



1102

JOHN CAMPBELL.  
Surgical Instruments.  
TRUSSES. SUPPORTERS.  
ELASTIC STOCKINGS.

SOUTHWEST CORNER  
34TH ST. AND LEXINGTON AVE.

New York Nov. 4<sup>th</sup> 1893

Hon-Judge Fitzgerald  
Dear Sir

This is to certify  
that I have known the parents  
of Chas. Mathe for the last  
two years & know them to be  
industrious, Hardworking, Honest  
people & that any leniency  
shown their son will be greatly  
appreciated & I feel confident  
that they will do all in their  
power to keep him from evil  
companions & Have him lead an  
Honest & upright life.

Hoping that you will temper  
justice with mercy I am.

Yours Very Truly  
John Campbell

COURT OF GENERAL SESSIONS OF THE PEACE,  
City and County of New York.

.....  
The People,

vs.

THEODORE SMITH,

and

HENRY MEYER.  
.....

Before,

HON. JAMES FITZGERALD,

and a Jury.

Tried, OCTOBER 30TH, 1893.

Indicted for BURGLARY, in the THIRD DEGREE.

Indictment filed SEPTEMBER 7TH, 1893.

-----  
APPEARANCES:

ASSISTANT DISTRICT ATTORNEY STEPHEN J. O'HARE,

For THE DEFENCE.

MR. JAMES W. McLAUGHLIN,

For THE DEFENCE.

AUGUST W. PELUGER, THE COMPLAINANT, being duly sworn, testified that he lived at 93 Fourth avenue, and he carried on a grocery business at that address. His store was on the corner of 11th street. No one slept in the store. On the night of the 30th of August, 1893, he locked all the windows and doors of his store, securely. There was at least \$15.00 in money in the cash drawer in his store on that night when he closed up. The cash drawer was locked with a patent combination lock. He returned to his store between 5 and half-past 5 o'clock the next morning, and found the hall door open. He was not the first to enter the store that morning. One side of the money drawer had been broken off, and the money was all gone. His clerk entered the premises about ten or fifteen minutes before he did. The fan-light was open on the night in question.

OFFICER DAVID J. MALLON, being duly sworn, testified that he was attached to the 14th police precinct. He knew the premises in question. They were in the 17th ward. He had seen the defendant before, on several occas-

ions. The District Attorney now states that he has made a mistake in the date, and that it should be the 24th of August, instead of the 30th. He, the witness, saw the defendants in 10th street, between Third and Fourth avenues, between 3 and 4 o'clock, and he arrested them, about an hour afterwards, in front of 98 10th street, where they lived. Officer Lang was with him, and Lang arrested Smith. He, the witness, arrested Meyer. He asked Meyer what disposition he made of the goods that he had been stealing in the precinct, and Meyer said, "I ain't down long enough to commit many robberies. I have only been down a week; the only one I am implicated in is in the one at 11th street and Fourth avenue, that grocery." He said, "Well, we have got 'the Kid' down at the house, and he has confessed, too." Meyer said, "Well, the, there is no need for me to go into any further details." He asked Meyer if anybody else was in it with them, and Meyer said yes, his brother-in-laws were with him. He accused Meyer of having "Sheeny Jake" in it with them, and

Meyer said yes, he was in it; Meyer said that "the Kid" got over the fan-light, that they helped him in. He made a charge against Meyer in the Police Court and he saw Meyer sign the statement, saying he was guilty. Smith also pleaded guilty in the Police Court.

In cross-examination the witness testified that it was two days after the burglary that he arrested the defendants. It was not true that "the Kid" had confessed; he said that to obtain a confession from the defendants. He took the defendants to the Captain's room, in the station house, and the Captain interrogated them. The captain did not strike or hit the defendants. He, the witness, did not threaten the defendants. He, the witness, said to the Captain, in the presence of the defendants, "Captain, these are the parties that I have information of, relative to the nine burglaries committed in this precinct. The slip has been handed to me, and I have investigated, and I have found it is true. The party that gave me the information



is pretty reliable." And the Captain started in to examine the defendants separately, and they both acknowledged almost the same thing. Smith said, "I was with the parties that committed the burglary, but I had nothing to do with it." He, the witness, said, "You are identified with 'The Kid' in his work, are you not?" Smith said, "No, I don't know The Kid." Neither of the defendants were struck or threatened by him, the witness, or any one in his presence. He had received information in regard to the case from James Wilson. At the time of the trial Wilson was a special detective for the New York Central and Hudson River railroad. Wilson had been so employed for about a year. He, the witness, did not know that Captain Cross used Wilson as a "stool pigeon "

CHARLES A. PLACE, being duly sworn, testified that he was attached to the 14th precinct police. He remembered the burglary in question. He did not have any conversation in regard to the burglary with the defendants. The defendants pleaded guilty in the Police Court.

FOR THE DEFENCE, CHARLES McCORMICK, being duly sworn, testified that he was jointly indicted with the defendants for the burglary in question, and he had pleaded guilty. the defendants were not concerned in the burglary in question. The men who were with him in the commission of that crime were "Fly Jimmy" and "Sheeny Jack," otherwise James Wilson. The burglary was Wilson's idea. The money was divided equally between him, the witness, James Wilson and "Sheeny Jack."

In cross-examination the witness testified that he was arrested after the defendants had been arrested. He lived in a lodging house, and had lived there for four or five days preceding his arrest. Before that he had lived at his home, 1,619 First avenue. He had known the defendants about three months. He was arrested by Officer Place, on the Bowery, about 7 o'clock at night. Officer Place would not tell him what he was arrested for until they got to the station house. He heard two police officers, at the corner of First street and

Second avenue, talking about having two burglars down at the station house, and saying that the burglars had been clubbed pretty hard. His name was Methke. He heard the defendants say in the Police Court that they were guilty. He heard Officer Mallon say that he was going to make the defendants plead guilty. The defendants were innocent. Wilson was a "stool pigeon" for a detective named Murphy.

THEODORE SMITH, ONE OF THE DEFENDANTS, being duly sworn, testified that he had never been convicted of crime. He had nothing to do with the commission of the burglary in question. He was not with McCormick on the night in question. The reason he pleaded guilty in the Police Court was because he had been beaten most unmercifully in the Captain's office, in the station house. Mallon told the Captain to take a stick, as he would only hurt his hands in pounding them. He was afraid to go back to the station house.

In cross-examination the defendant testified that the name under which he was indicted

was his right name. At the time of his arrest he lived at No. 96 10th street, where he had a furnished room. He was thirty-one years of age. He was a belter, and had worked for George Mooney's Son, 238 Second avenue. He had worked there, off and on, four years. He had also worked for himself, putting up awnings, &c. He did not know the names of any concerns for which he had put up awnings. He did not know the name of his land-lady in 10th street. He did not know where he was on the night in question. He was in the habit of taking a park through the park at night, and he was usually accompanied by Meyer. He thought he got into the house on the night in question about 9 o'clock.

HENRY MEYER, ONE OF THE DEFENDANTS, being duly sworn, testified that he had served a term in State prison for burglary. He was not concerned in the burglary in question in company with McCormick; he had nothing to do with that burglary. The Captain pounded him so badly in the police station that he pleaded

guilty in the Police Court. The Captain said he would kill him.

In cross-examination the defendant testified that he was released from Auburn prison on the 18th of August. He did not work at anything between the time of his release and the time of his arrest. He had looked for work. He had taken a walk in the park with Smith on two occasions. He returned to his home, usually, about 9 o'clock. The way he happened to be on the stoop at 2 o'clock in the morning, was that he couldn't sleep, and he went out for air..

JESSE LOBENSTEIN, being duly sworn, testified that he was a traveling salesman. He knew the defendant Smith. He had visited Smith at the Tombs, about a week or two after his arrest. Smith showed him his arms and chest then, and they "were an awful sight to look at; all the colors of the rain-bow were right across his chest."

In cross-examination the witness testified

that he lived at 337 East 90th street, and had lived there a little over a year. Smith was his brother-in-law. The defendant Smith always protested his innocence to him.

CHARLES OTTE, being duly sworn, testified that he was a carpenter.

His place of business was in Garmin street. He knew both the defendants. . He had visited them at the Tombs. Smith showed him his chest and arms, in the Tombs, and they were all black and blue. He asked Smith what caused it, and Smith said he had been beaten in the station house. Meyer showed him a large bruise on his abdomen? He asked Meyer how he received it, and Meyer said he had been kicked in the station house.

In cross-examination the witness testified that he had known the defendants for about seven years; he had quite an extensive acquaintance on the East side. He did not know that Smith had ever been in Elmira Reformatory. He had been told by a friend of his that the defendants were in the Tombs. He, the witness, had never been convicted of any



crime. Smith told him, in the Tombs, that he did not know what he had been arrested for.

THEODORE SMITH, THE DEFENDANT, being recalled for further cross-examination, testified that he had never been in Elmira Reformatory. The door-man took him from his cell in the station house to the Captain's room.

IN REBUTTAL, OFFICER PLACE, being recalled, testified that he had known the witness Otte for seven or eight years. He knew other people who knew Otte. He did not know Otte's general reputation for honesty or sobriety.

OFFICER HENRY LANG, being duly sworn, testified that he was attached to the 14th precinct police. He remembered the time that the defendants were interrogated in the Captain's room in the Station House. He did not see or hear the Captain strike either of the defendants. Smith confessed to the Captain that he was concerned in the burglary at 11th street and Fourth avenue.

MICHAEL DOHERTY, being duly sworn, testified that he was a police Captain. He had been in the police force nearly twenty-three years. He was in charge of the 14th precinct. He remembered having a conversation with the defendants in his room in the station house. He did not strike either of the defendants, at any time. He did not make any threats against either of the defendants.

OFFICER MALLON, being recalled, testified that he did not strike the defendants in the Captain's room, nor did the Captain strike either of them. He did not tell the Captain to take a club, as he would only hurt his hands.

1115

Mr. John Fitzgerald

Police Court 3<sup>rd</sup> District.

City and County }  
of New York, } ss.:

of No. 93 Fourth Avenue August W. Pfluger Street, aged 30 years,  
occupation Grocer

deposes and says, that the premises No 93 Fourth Avenue being duly sworn  
in the City and County aforesaid, the said being a grocery store Street,

and which was occupied by deponent as a grocery  
and in which there was at the time a human being, by name

were BURGLARIOUSLY entered by means of forcibly entering the  
store through an opening over the door  
to wit: a burglar

on the 24<sup>th</sup> day of August 1893 in the night time, and the  
following property feloniously taken, stolen, and carried away, viz:

About fifteen dollars lawful money  
of the United States

the property of deponent

and deponent further says, that he has great cause to believe, and does believe, that the aforesaid  
BURGLARY was committed and the aforesaid property taken, stolen, and carried away by

Theodore Smith, Charles McCormick,  
and Henry Meyer all now here who were  
in company with each other and  
acting in concert for the reasons  
that at about nine o'clock on said  
night deponent securely locked and  
fastened the doors and windows leading  
into said store and said property  
was therein. Deponent on the following  
morning found said property  
missing and upon investigation found that

that said store had been entered through the transom over the said door. Depovent is ~~arrested~~ informed by David J. Mallon (now here, a police officer) that he arrested the defendants and they voluntarily confessed and acknowledged to him that they entered said premises in the manner aforesaid. And depovent further says that the defendants in open Court reiterated said confession.

Sworn to before me }  
this 30<sup>th</sup> August, 1893 }

August W. Pfluger

John P. Boockie  
Police Justice

Police Court District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

Burglary Degree.

Dated 188

Magistrate.

Officer.

Clerk.

Witnesses:

Committed in default of \$ Bail.

Bailed by

No. Street.

Chr. Wall.  
~~PROPRIETORS.~~

Bright Park Bl. & Co.,

BOTTLERS OF

Geo. Ehret's and H. Koehler & Co's Lager Beers,

346 EAST 85TH STREET.

New York, Nov. 5<sup>th</sup> 1893.

To whom it may concern,  
This is to certify that  
Mr. Chr. Mettke  
has been in my employ  
for over one year and I  
always have found him  
to be a sober, industrious  
and honest young man  
and I can therefore recommend  
him for further employment.

Respectfully

Chr. Wall



1119

CITY AND COUNTY }  
OF NEW YORK, } ss.

1921

David J. Mallon  
aged 32 years, occupation Police officer of No.  
14<sup>th</sup> Precinct Street, being duly sworn, deposes and

says, that he has heard read the foregoing affidavit of August M. Pfluger  
and that the facts stated therein on information of deponent are true of deponent's own  
knowledge.

Sworn to before me, this 30 day David J. Mallon  
of August 1893

John P. Morris Police Justice.

1120

Sec. 198-200.

3

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Theodore Smith*

being duly examined before the undersigned according to law, on the annexed charge; and being informed that it is ~~h~~ right to make a statement in relation to the charge against ~~h~~, that the statement is designed to enable ~~h~~ if he see fit to answer the charge and explain the facts alleged against ~~h~~ that he is at liberty to waive making a statement, and that ~~h~~ waiver cannot be used against ~~h~~ on the trial.

Question. What is your name.

Answer.

*Theodore Smith*

Question. How old are you?

Answer.

*31 years*

Question. Where were you born?

Answer.

*U.S.*

Question. Where do you live, and how long have you resided there?

Answer.

*96 Tenth St.*

*2 weeks*

Question. What is your business or profession?

Answer.

*Steam fitter*

Question. Give any explanation you may think proper of the circumstances appearing in the testimony against you, and state any facts which you think will tend to your exculpation?

Answer.

*I am guilty*

*Theodore Smith.*

Taken before me this *30*

day of *September*

188*9*

Police Justice.

1121

Sec. 198-200.

3

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Charles M. Cormack* being duly examined before the undersigned according to law, on the annexed charge; and being informed that it is h—right to make a statement in relation to the charge against h—; that the statement is designed to enable h—if he see fit to answer the charge and explain the facts alleged against h— that he is at liberty to waive making a statement, and that h—waiver cannot be used against h— on the trial.

Question. What is your name.

Answer. *Charles M. Cormack*

Question. How old are you?

Answer. *20 years*

Question. Where were you born?

Answer. *Wis.*

Question. Where do you live, and how long have you resided there?

Answer. *96 Tenth St. - 2 weeks*

Question. What is your business or profession?

Answer. *awning-hanger*

Question. Give any explanation you may think proper of the circumstances appearing in the testimony against you, and state any facts which you think will tend to your exculpation?

Answer. *I am guilty.*

*Charles M. Cormack*

Taken before me this

*30*

day of

*August*

188*3*

*John J. McLaughlin*

Police Justice.

1122

Sec. 198-200.

3

District Police Court.

CITY AND COUNTY }  
OF NEW YORK, } ss.

*Henry Meyer* being duly examined before the undersigned according to law, on the annexed charge; and being informed that it is his right to make a statement in relation to the charge against him, that the statement is designed to enable him if he see fit to answer the charge and explain the facts alleged against him, that he is at liberty to waive making a statement, and that his waiver cannot be used against him on the trial.

Question. What is your name.

Answer. *Henry Meyer*

Question. How old are you?

Answer. *41 years*

Question. Where were you born?

Answer. *England*

Question. Where do you live, and how long have you resided there?

Answer. *96 Tenth St -*

*Man*

Question. What is your business or profession?

Answer. *Truck driver*

Question. Give any explanation you may think proper of the circumstances appearing in the testimony against you, and state any facts which you think will tend to your exculpation?

Answer. *I am guilty -*

*Henry Meyer*

Taken before me this

*20*

day of *August*

*1893*

*John A. Lee*  
Police Justice.

1123

It appearing to me by the within depositions and statements ~~that the crime therein mentioned has been~~  
committed, and that there is sufficient cause to believe the within named

defendant  
guilty thereof, I order that he be held to answer the same, and he be admitted to bail in the sum of  
Five Hundred Dollars, cash and be committed to the Warden and Keeper of  
the City Prison of the City of New York, until he give such bail.

Dated, Aug 30 1893

John M. [Signature] Police Justice.

I have have admitted the above-named  
to bail to answer by the undertaking hereto annexed.

Dated, \_\_\_\_\_ 189

\_\_\_\_\_  
Police Justice.

There being no sufficient cause to believe the within named

\_\_\_\_\_  
guilty of the offense within mentioned, I order h to be discharged.

Dated, \_\_\_\_\_ 189

\_\_\_\_\_  
Police Justice.

1124

Police Court,

3rd 909 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

August W. Pluge  
93-100  
Theodore Smith  
Chas. Mc Cormick  
Henry Meyer

Offense  
Burglary

BAILED,

No. 1, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

No. 2, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

No. 3, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

No. 4, by \_\_\_\_\_  
Residence \_\_\_\_\_ Street.

Dated, Aug 30 1893

7 o'clock  
Mallory Place

Magistrate.

Officer.

1st Precinct.

Witnesses Call the officer

No. \_\_\_\_\_ Street.

No. \_\_\_\_\_ Street.

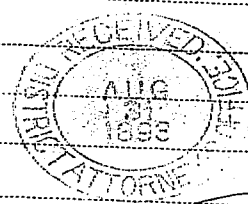
No. \_\_\_\_\_ Street.

\$ 1000 to answer G. P.

Cow

CH 18

P. P. K.





**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against  
Theodore Smith, Charles  
McCormack and Henry Meyer

The Grand Jury of the City and County of New York, by this indictment, accuse

Theodore Smith, Charles  
McCormack and Henry Meyer  
of the CRIME OF BURGLARY IN THE THIRD DEGREE, committed as follows:

The said Theodore Smith, Charles  
McCormack and Henry Meyer, all

late of the 17<sup>th</sup> Ward of the City of New York, in the County of New York, aforesaid, on the  
twenty-fourth day of August in the year of our Lord one  
thousand eight hundred and ninety-three in the night-time of the same day, at the  
Ward, City and County aforesaid, a certain building there situate, to wit, the store of  
one August W. Pfluger

there situate, feloniously and burglariously did break into and enter, with intent to commit some  
crime therein, to wit: with intent the goods, chattels and personal property of the said

August W. Pfluger in the said store  
then and there being, then and there feloniously and burglariously to steal, take and carry away,  
against the form of the statute in such case made and provided, and against the peace of the  
People of the State of New York and their dignity.

## SECOND COUNT—

And the Grand Jury aforesaid, by this indictment, further accuse the said

*Theodore Smith, Charles McCormack and Henry Meyer*  
of the CRIME OF *Petit* LARCENY committed as follows:

The said *Theodore Smith, Charles McCormack and Henry Meyer*, all

late of the Ward, City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the Ward, City and County aforesaid, in the ~~right~~ time of said day, with force and arms,

*the sum of fifteen dollars in money, lawful money of the United States of America, and of the value of fifteen dollars*

of the goods, chattels and personal property of one

*August W. Pfluger*

in the

*store*

of the said

*August W. Pfluger*

there situate, then and there being found, in the *store* aforesaid, then and there feloniously did steal, take and carry away, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

*DeLaurey Nicoll*  
*District Attorney*

1127

**BOX:**

534

**FOLDER:**

4867

**DESCRIPTION:**

Smythe, William

**DATE:**

09/08/93



4867

1128

Witnesses:

John Mitchell

of

Sentence on another  
indictment

Counsel,

Filed,

day of

1893

Pleads,

THE PEOPLE

P

William Dwyer

Part 3 - Sept 21/93  
Sentenced on another  
indictment

DE LANCEY NICOLL,

District Attorney.

Part III Sept 21/93 1893

A TRUE BILL.

Edw. Thompson

No 48

Foreman.

Part III - Sept 12/93 - set down for Sept 20/93  
Officer on Vacation -

Assault in the Second Degree  
(Section 318, Penal Law)

POLICE COURT,  
 DISTRICT,  
 W. L. ORRICK, JR.  
 STENOGRAPHER

Police Court  
 Second Dist

The People &

John Mitchell

Wm Smythe

Examination Before Justice Hogan  
 Aug 16 1893

For the Defendant by Mr. Clelland.

John Mitchell the complaining witness being  
 duly sworn and cross examined on his  
 affidavit before and says:-

Q Do you know the complainant?

A Yes.

Q How long do you know him?

A Inside of a year.

Q Where are your respective places  
 of business?

A "He was at No 310 and I was  
 at 320 West 44th Street

Q How long are you in business

1130

there?

A For the last 12 years

Q How long was he in business there?

A Inside of a year.

Q Did he leave there?

A He is

Q when?

A I cannot exactly state — about three weeks ago

Q Where did this happen?

A Near that place.

Q What time of day?

A In the evening —

Q What time?

A I do not know exactly — It was the afternoon in the winter <sup>time</sup> — just before Christmas

Q What time of the day or night?

A I told you it was in the Afternoon

Q You charge him with striking you a blow on the head?

A Yes.

Q When was that?



A Last Saturday morning about twenty minute past six as near as I can say.

Q Where?

A Corner of 40th St and 9th Ave.

Q Was it near where you work?

A I was going out with a horse.

Q How near your place of business did this happen?

A My place of business is at 320 This happened at 419 9th Ave. corner of 41st St. I am the middle of the block.

Q Did this man come of to you - approach you?

A Yes sir: approached me behind I did not know that the man was anywhere near me.

Q And without any provocation or any cause he struck you?

A He struck me three licks.

Q With what?

A With that stick - with that cane. He changed the ~~back~~ big end of it to me. I had

my horse - was leading my horse. I threw the weapon up. Then he turned off and ran back and drew the revolver.

2. Did you run after him.

A. I did.

2. Did he draw the revolver until you ran after him?

A. He drew the revolver after I ran after him. He chased me back - I ran back.

2. Chased you back.

A. He chased me back with the revolver.

2. He has had occasion to complain about you in this court?

A. Yes; he had me brought up in court.

2. Charged you with assault?

A. Yes.

2. He made complaint that you choked him.

A. Yes.

2. The Judge told you not to

interfere with his man:

A Yes sir.

Re Court - (to complainant) Have you  
any witnesses here?

Complainant - No sir; but I can  
have witnesses here.

Defendant led to answer \$2.50 bail.

POLICE COURT,  
SECOND DISTRICT,  
W. L. ORMSBY, JR.  
STENOGRAPHER.

1134

Police Court— District.

City and County } ss.:  
of New York,

of No. 320 W 41 Street, aged 54 years,  
 occupation Coal peddler being duly sworn  
 deposes and says, that on the 12 day of August 1887 at the City of New  
 York, in the County of New York,

he was violently and feloniously ASSAULTED and BEATEN by

William Smythe (now here)

Who struck deponent a violent  
 blow on the head with a heavy cane  
 and did threaten to shoot deponent  
 with a revolving loaded pistol which  
 he had in his hand.

with the felonious intent to take the life of deponent, or to do him grievous bodily harm; and without  
 any justification on the part of the said assailant

Wherefore this deponent prays that the said assailant may be apprehended and bound to answer  
 for the above assault, etc., and be dealt with according to law.

Sworn to before me, this 12 day  
 of August 1887

John W. Mitchell  
 not  
 Police Justice.

1135

Sec. 198-200.

✓ District Police Court.

CITY AND COUNTY OF NEW YORK, ss.

*William Smythe* being duly examined before the undersigned according to law, on the annexed charge; and being informed that it is his right to make a statement in relation to the charge against him; that the statement is designed to enable him if he see fit to answer the charge and explain the facts alleged against him that he is at liberty to waive making a statement, and that his waiver cannot be used against him on the trial.

Question. What is your name?

Answer.

*William Smythe*

Question. How old are you?

Answer.

*22 years*

Question. Where were you born?

Answer.

*West Indies*

Question. Where do you live, and how long have you resided there?

Answer.

*205 W 61 St New York 2 weeks*

Question. What is your business or profession?

Answer.

*None*

Question. Give any explanation you may think proper of the circumstances appearing in the testimony against you, and state any facts which you think will tend to your exculpation?

Answer.

*I am not guilty*  
*W. J. Smythe*

Taken before me this

day of

*June*

1897

*at New York*

*City*

*Police Justice*

*John J. Smythe*

*Police Justice*

1136

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named \_\_\_\_\_

\_\_\_\_\_ *Thompson* guilty thereof, I order that he be held to answer the same, and he be admitted to bail in the sum of *Twenty five* Hundred Dollars, \_\_\_\_\_ and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

Dated, *August 16* 189 *3* \_\_\_\_\_ *W. H. Brady* Police Justice.

I have admitted the above-named \_\_\_\_\_ to bail to answer by the undertaking hereto annexed.

Dated, \_\_\_\_\_ 189 \_\_\_\_\_ Police Justice.

There being no sufficient cause to believe the within named \_\_\_\_\_ guilty of the offense within mentioned, I order he to be discharged.

Dated, \_\_\_\_\_ 189 \_\_\_\_\_ Police Justice.



1137

BAILED,

No. 1, by

Residence \_\_\_\_\_ Street.

No. 2, by

Residence \_\_\_\_\_ Street.

No. 3, by

Residence \_\_\_\_\_ Street.

No. 4, by

Residence \_\_\_\_\_ Street.

The Justices presiding  
during my absence will  
please hear and determine  
the within complaint  
August 15 - 1893

M. H. Brady  
Police Justice

Police Court---

878 855  
877 District.

THE PEOPLE, &c.,  
ON THE COMPLAINT OF

John Mitchell  
320 vs. W 41  
Wm Smythe

1

2

3

4

Offense.

Dated

Aug 12 1893  
Magistrate.  
Quinn

169

Magistrate.

Officer.

50 Precinct.

Witnesses

Call the Officer

No.

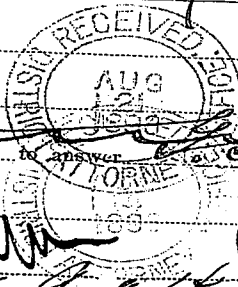
Richard Allston

No.

372 W 39<sup>th</sup> Street.

No.

Attorney



\$2500 Aug. 14. 1893  
Court Aug. 16. 2 P. M.

1130

District Attorney's Office,

20

CITY AND COUNTY OF NEW YORK.

March 13 1897

CAPTAIN OR OFFICER IN COMMAND.

Dear Sir:

I desire to see Officer Quinn  
attached to your command in  
Sept 193 in relation to the case of  
John Smith  
sentenced Sept 21/93 to 5  
years and months imprisonment by  
Recorder Smith

Please ask the officer to bring such information in relation to the case, and as to the previous record of the prisoner, as he may be enabled to obtain.

Yours truly,

HENRY W. UNGER,

Deputy Assistant and Secretary to the District Attorney.



**Court of General Sessions of the Peace**

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK,

against

*William Smythe*

The Grand Jury of the City and County of New York, by this indictment, accuse

*William Smythe*

of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows :

The said

*William Smythe*

late of the City and County of New York, on the — *twelfth* — day of  
— *August* — in the year of our Lord one thousand eight hundred and  
ninety- *three* — , at the City and County aforesaid, in and upon one

in the peace of the said People then and there being, feloniously did wilfully and wrongfully  
did make an assault ; and the said

*John Mitchell*  
— *William Smythe* —

with a certain *stick* — which *he* the said

in *his* — right hand — then and there had and held. the same being then and there  
a weapon and an instrument likely to produce grievous bodily harm, *him*, the said  
— *John Mitchell* — then and there feloniously did wilfully and  
wrongfully strike, beat, *cut*, bruise and wound, against the form of the statute  
in such case made and provided, and against the peace of the People of the State of New York  
and their dignity.

SECOND COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said

*William Smythe*

of the CRIME OF ASSAULT IN THE SECOND DEGREE, committed as follows:

The said

*William Smythe*

late of the City and County aforesaid, afterwards, to wit: On the day and in the year aforesaid, at the City and County aforesaid, in and upon the said

*John Mitchell*

in the peace of the said People then and there being, feloniously did wilfully and wrongfully make another assault; and the said *William Smythe* the said *John Mitchell* with a certain *stick*

which

*he*

the said

*William Smythe*

in

*his*

right hand then and there had and held, in and upon the

of

*him*

the said

*John Mitchell*

then and there feloniously did wilfully and wrongfully strike, beat, *cut,* bruise and wound, and did then and there and by the means aforesaid, feloniously, wilfully and wrongfully inflict grievous bodily harm upon the said *John Mitchell* to the great damage of the said *John Mitchell* against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

DE LANCEY NICOLL, *District Attorney.*